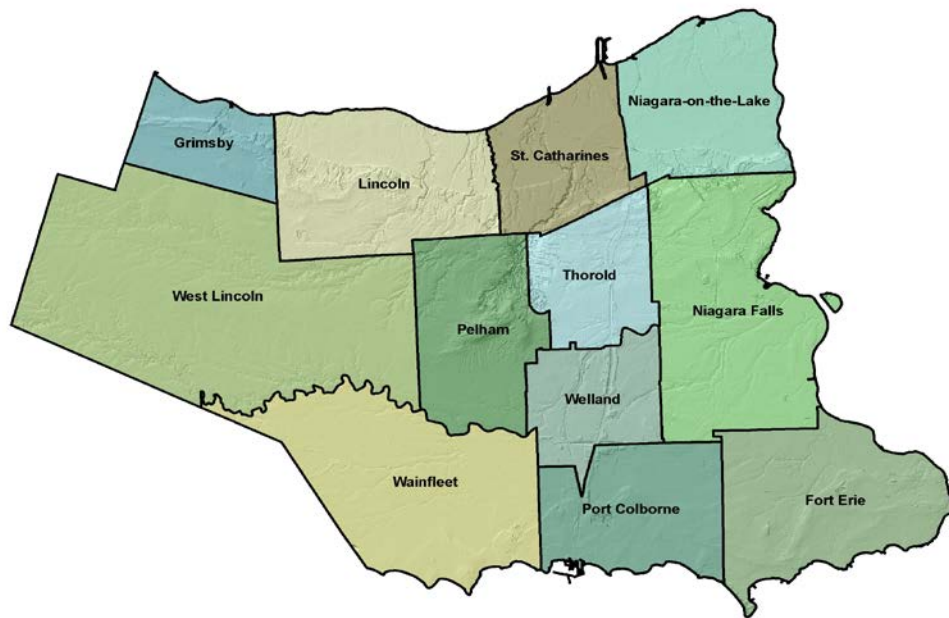


# **‘NiagaraInfoDine’ Food Safety Disclosure Program**



## **Operator Information Guide**

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An Accredited  
Public Health Unit  
[www.niagararegion.ca](http://www.niagararegion.ca)

Dear Food Establishment Operator:

In the spring of 2007, Niagara Region Public Health introduced a website based Food Safety Disclosure Program called 'NiagaraInfoDine'. This program posts the results of inspections performed in all retail food business establishments operating in the Niagara region on the Niagara Region website. To view this website visit [www.niagararegion.ca](http://www.niagararegion.ca).

This Operators' Guide has been created to provide you with information about the disclosure program. It includes a detailed explanation of the information that is available on the website for the public to access. The guide also provides information that will assist the food facility operator in understanding:

- the inspection process
- developing a clearer understanding of good food handling practices
- identifying areas within their operation that have the greatest potential for the spread of foodborne illness
- enhancing safeguards that minimize the risk associated with the food supply

We hope you find this guide of value, so please take the time to read the information carefully. If you have any questions please contact Niagara Region Public Health at one of our four offices.

Niagara Region Public Health has always had a good working relationship with the vast majority of food service operators in the Niagara region. We anticipate that with your cooperation, we can continue to provide a disclosure program which will benefit both your business and your customers.

Sincerely,



Bjorn Christensen, MEd, B.A.A., C.P.H.I. (C)  
Director, Health Protection and Promotion

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### **RESPONSIBILITY FOR RETAIL FOOD SAFETY**

Every food premise in the Niagara region must operate according to the minimum requirements of the Ontario Food Premises Regulation (O. Reg. 562) under the Health Protection and Promotion Act. It is the responsibility of food establishment operators to know and comply with the Regulation (see Appendix A or [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)). Public Health Inspectors are mandated to regularly inspect every retail food premise to assess if they are being operated according to the requirements in the Regulation.

### **WHY A FOOD SAFETY DISCLOSURE PROGRAM?**

This program will have many benefits for the public and food operators. It is intended to help improve food safety standards, reduce the risk of foodborne illness, and raise consumer awareness of food safety. Research has demonstrated that disclosure systems improve compliance with food safety legislation and enhance food safety standards in retail food establishments.

### **FOOD SAFETY INSPECTIONS AND THE WEBSITE DISCLOSURE SYSTEM**

This program is based on compliance with the Ontario Food Premises Regulation. One food handling mistake, in even the best-operated food premise, can lead to food poisoning. Therefore, the operator of every retail food premise is responsible for knowing the risks associated with foodborne illness and for taking action in his/her establishment to minimize these risks. When a Public Health Inspector visits your retail food premise, he/she will assess if your operation meets the requirements of the Ontario Food Premises Regulation and will then complete a Food Safety Inspection

Report (see Appendix B). You will receive a copy of the inspection report.

A summary of the results will be posted on the internet on a timely basis. Infractions found in any premise, the date of inspection, the number of critical and non-critical infractions, and the infraction details will be posted on the website.

### **CLOSURES AND CONVICTIONS**

A summary of all food premises that have been closed or convicted is posted on the NiagaraInfodine site for six months along with the date of the offense. The type of infraction or the reason for closure is identified as well.

### **HOW TO PREPARE FOR THE FOOD SAFETY PERFORMANCE DISCLOSURE PROGRAM**

To prepare for inspections under the program, Niagara Region Public Health encourages all operators of retail food premise to thoroughly review this Guide. It is important that you understand and follow the requirements of the Ontario Food Premises Regulation. The Food Safety Inspection Report (see Appendix B) can be used by the operator as a checklist to identify infractions in their operation that require correction.

### **FREQUENCY OF INSPECTIONS**

Public Health Inspectors are required to assess all food premises at least once per year to determine the frequency of inspections. Depending on the following factors, inspections may be conducted a minimum of once, twice, or three times per year.

### ***A) High Risk***

A High Risk Food Establishment is a premise which prepares hazardous foods and must meet at least one of the following criteria:

- Extensive handling of foods frequently implicated as the cause of foodborne illness
- Preparation of foods that involve multiple preparation steps (e.g. defrosting, cooking, cooling, storing, reheating, preparing, hot and cold holding).
- Establishments associated in the past with foodborne illness.
- These types of establishments must be inspected at a minimum of once every four months of operation (e.g. full menu restaurants).

### ***B) Moderate Risk***

A Moderate Risk Food Establishment is a premise which must meet one of the following criteria:

- Prepare hazardous foods that do not meet the criteria outlined in the High Risk category above, or
- Prepare non-hazardous foods with extensive handling.
- These types of establishments must be inspected a minimum of once every six months of operation (e.g. fast food restaurants).

### ***C) Low Risk***

A Low Risk Food Establishment is a premise which must meet one of the following criteria:

- Prepare and/or serve non-hazardous foods that do not meet the criteria outlined in the Moderate Risk category above, or
- Serve prepackaged hazardous foods, or

- Use a food storage facility for non-hazardous foods only, and/or
- These types of establishments must be inspected once every twelve months of operation (e.g. variety stores).

### **FOOD HANDLER TRAINING**

It is important to ensure that food handlers know and practice basic food safety rules. Niagara Region Public Health requires that managers and staff involved in food preparation complete food handler training and receive a Food Handler Certificate as per The Mandatory Food Handler Certification Bylaw #78 (see Appendix D). Niagara Region Public Health offers a Food Handler Certification Course. Participants must pass a certification test. Topics covered in the course include:

- Food safety legislation
- Introduction to food safety, microorganisms, and contamination
- Cross-contamination
- Understanding foodborne illness
- Receiving and storage of food
- Preparation, cooking, and service
- Hazard Analysis Critical Control Points system
- Personal hygiene
- Food allergies
- Cleaning and sanitizing
- Food establishment sanitation, design, and maintenance
- Pest control
- Healthy eating

Research has shown that food handler training is one of the most effective ways of enhancing food safety. To register for an upcoming Food Handler Certification Course (cost \$35.00 per person) call: 905-688-8248, ext. 7230 or toll free at 1-888-505-6074, ext. 7230. (see Appendix D for further details)

By January 1, 2013 all high risk premises and by January 1, 2014 all moderate risk premises must have:

- A minimum of one operator with a current and valid Food Handler Certificate
- A minimum of one food handler on site at all times while in operation with a current and valid Food Handler Certificate
- Demonstration of the current and valid food handler certificate with a photo identification card for each certificate

### **FREQUENTLY ASKED QUESTIONS**

#### ***1) What are some examples of critical infractions?***

- Hazardous foods (e.g. meat, poultry, fish, and shellfish) are not cooked to the internal temperature required to kill potentially harmful bacteria.
- Hazardous foods are not kept cold enough to prevent the growth of harmful bacteria.
- Contamination of ready-to-eat foods with raw foods/chemicals/pesticides.
- Food handling staff observed not washing their hands prior to handling food.
- Potential for food contamination due to the establishment being infested by insects or rodents.



Note: Items that pose an immediate risk of foodborne illness must be corrected at the time of inspection.

***2) What are some examples of non-critical infractions?***

- Food processing equipment is poorly designed, or the arrangement of food preparation equipment in a kitchen prevents easy access for cleaning and maintaining clean and sanitary conditions.
- Food processing equipment and food contact surfaces are not maintained in a clean and sanitary manner, regardless of poor design or arrangement of equipment.
- Food handlers are not wearing clean outer garments.
- Hair restraints are not worn by food handlers while they are handling food.
- No approved testing method to check the sanitizer concentration in automatic dishwashers is available (e.g. test kit/test strips).
- Insect and vermin-proof containers are not provided where required.
- Garbage has not been removed to maintain the establishment in a sanitary condition.

***3) When would my establishment require a re-inspection?***

Follow-up inspections will take place at the discretion of the Public Health Inspector. Minor infractions observed in an establishment can often be followed up during the next regular inspection.

#### ***4) What type of legal action can be expected?***

The appropriate legal action will be initiated at the discretion of the Public Health Inspector. Infractions, especially those seen repetitively, may result in the issuance of Provincial Offences Notices (tickets). Depending on the offence a ticket may carry a fine of up to \$370.00. Where warranted, charges may be laid requiring appearance in court or a closure order maybe issued (see below). When infractions are observed in a retail food establishment, it is the responsibility of the operator to ensure that these infractions are corrected as soon as possible. Items directly related to food safety must be corrected by the operator at the time of inspection and will be assessed again during a re-inspection within 24 hours. There is no fee for the follow-up inspections however, as previously noted, repetitive non-compliance will result in legal action being initiated. This can result in fines and/or written orders. Public Health Inspectors at Niagara Region Public Health have been designated as Provincial Offences Officers. This means that they have the authority to issue tickets or summonses to court when infractions are observed.

#### ***5) When would a food establishment be ordered closed by Niagara Region Public Health?***

A closure order is issued to the operator of a food establishment when the Public Health Inspector is of the opinion, upon reasonable and probable grounds, that an immediate health hazard exists. Under these conditions, an order to close the establishment under Section 13 of the Health Protection and Promotion Act ([www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)) will be issued. A Section 13 order is issued to eliminate or decrease the effect of the health hazard. An order is a legal document. Failure to

comply with an order is an offence, which upon conviction, could result in a significant fine.

***6) What are some examples of infractions leading to a closure order?***

A health hazard can be any condition that will likely lead to a foodborne illness if the condition is not corrected. Examples include:

- Establishment is infested with insects or rodents.
- Evidence of food contamination as a result of improper storage temperatures or food temperatures.
- The food establishment does not have sufficient potable water or electricity.
- Sewage back-up into food preparation or storage areas.

Operators who do not comply with a closure order may be charged and required to appear in court. Public Health Inspectors will monitor closed establishments to ensure that they remain closed to the public. If the court finds the defendant guilty of failing to comply with a closure order, the individual operator may be fined up to \$5,000.00, and a corporation up to \$25,000.00, for each day or part of a day. The operator or corporation has the right to appeal any order issued by Niagara Region Public Health by requesting a hearing by the Health Services Appeal and Review Board.

# APPENDIX A – Food Premises Regulation

Health Protection and Promotion Act

R.R.O. 1990, REGULATION 562

FOOD PREMISES

Consolidation Period: From May 1, 2008 to the e-Laws currency date.

Last amendment: O. Reg. 99/08.

## PART I INTERPRETATION

1. (1) In this Regulation,

“catering vehicle” means an itinerant food service premise in which no food is prepared other than hot beverages and french fried potatoes;

“corrosion-resistant material” means any material that maintains its original surface characteristics after,

(a) repeated exposure to food, soil, moisture or heat, or

(b) exposure to any substance used in cleansing and sanitizing;

“egg grading station” means an egg grading station registered under the Canada Agricultural Products Act;

“egg processing station” means an egg product processing station registered under the Canada Agricultural Products Act;

“eggs” means raw eggs in the shell;

“employee” means any person who,

(a) is employed in a food premise, and

(b) handles or comes in contact with any utensil or with food during its preparation, processing, packaging, service, storage or transportation;

“farmers’ market” means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products;

“farmers’ market food vendor” means the operator of a stall or other food premise that is located at a farmers’ market;

“farm products” means products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed products;

“food contact surface” means any surface that food comes in contact with in a food premise;

“food service premise” means any food premise where meals or meal portions are prepared for immediate consumption or sold or served in a form that will permit immediate consumption on the premises or elsewhere;

“Grade ‘C’ eggs” means eggs that are graded “Canada C” as defined in the regulation under the Canada Agricultural Products Act;

“hazardous food” means any food that is capable of supporting the growth of pathogenic organisms or the production of the toxins of such organisms;

“locker plant” means any food premise in which individual lockers are rented or offered for rent to the public for the storage of frozen foods;

“manufactured meat product” means food that is the product of a process and that contains meat as an ingredient and includes meat that is processed by salting, pickling, fermenting, canning, drying or smoking or otherwise applying heat or to which edible fats, cereals, seasonings or sugar have been added;

“mobile preparation premises” means a vehicle or other itinerant food premise from which food prepared therein is offered for sale to the public;

“multi-service article” means any container or eating utensil that is intended for repeated use in the service or sale of food;

“official method” means a method used by a laboratory established under section 79 of the Act for the laboratory examination of food;

“pre-packaged foods” means food that is packaged at a premise other than the premises at which it is offered for sale;

“public space” means a space, whether indoors or outdoors, to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry;

“sanitizing” means antimicrobial treatment, and “sanitize” has a corresponding meaning;

“selling” includes automatic vending;

“serving” includes self-service;

“single-service article” means any container or eating utensil that is to be used only once in the service or sale of food;

“single-service towel” means a towel that is to be used only once before being discarded or laundered for reuse;

“street food vending cart” means a food premise,

(a) that is a cart set up on a temporary basis in a public space, and

(b) from which food is sold or offered for sale for immediate consumption;

“utensil” means any article or equipment used in the manufacture, processing, preparation, storage, handling, display, distribution, sale or offer for sale of food except a single-service article;

“vending machine” means any self-service device that upon insertion of a coin, coins or tokens, automatically dispenses unit servings of food either in bulk or in package form. R.R.O. 1990, Reg. 562, s. 1 (1); O. Reg. 308/06, s. 1; O. Reg. 338/07, s. 1.

(2) A reference in this Regulation to the medical officer of health or the public health inspector means the medical officer of health or the public health inspector, as the case may be, of the board of health in the health unit in which the food premise referred to is situate. R.R.O. 1990, Reg. 562, s. 1 (2).

## PART II ESTABLISHMENT

### Exemptions

2. (1) This Regulation applies to all food premises except,

(a) boarding houses that provide meals for fewer than ten boarders;

(b) a food premise to which Regulation 554 or 568 of the Revised Regulations of Ontario, 1990 applies;

(c) food premises owned, operated or leased by religious organizations, service clubs and fraternal organizations where the religious organization, service club or fraternal organization,

(i) prepares and serves meals for special events, and

(ii) conducts bake sales; and

(d) farmers’ market food vendors. R.R.O. 1990, Reg. 562, s. 2 (1); O. Reg. 308/06, s. 2 (1).

(2) No person shall operate or maintain a food premise to which this Regulation applies except in accordance with this Regulation. R.R.O. 1990, Reg. 562, s. 2 (2); O. Reg. 586/99, s. 1.

(3) The exemption provided for in clause (1) (c) is subject to the conditions set out in paragraphs 1 and 2 if a religious organization, service club or fraternal organization mentioned in that clause prepares and serves meals for a special event to which the general public is invited, and hazardous food that originates from a food premise that is not inspected under this Regulation is included in such a meal:

1. Patrons attending the special event shall be notified in writing as to whether or not the food premise has been inspected in accordance with this Regulation. The notice shall be posted in a conspicuous place at the entrance to the food premise at which the special event meal is held.

2. The operator must keep a list of all persons who donate hazardous food for the special event meal and must provide a copy of that list to a public health inspector on request. The list must contain each donor's name, address and telephone number in full. O. Reg. 308/06, s. 2 (2).

3. (1) The following retail food premises are exempt from the provisions of clauses 20 (1) (b) and (c) and sections 68 to 81 where they meet the requirements of subsection (2):

1. Premises where only cold drinks are sold in or from the original container.
2. Premises where only frozen confections are sold in the original package or wrapper.
3. Premises where only hot beverages are prepared and sold.
4. Farms selling only their own farm products in the form of honey, maple syrup, or unprocessed fruits, vegetables and grains.
5. Premises preparing and selling only popped corn, roasted nuts or french fried potatoes.
6. Premises selling only pre-packaged food that is not a hazardous food.
7. Catering trucks. R.R.O. 1990, Reg. 562, s. 3 (1).

(2) A food premise referred to in subsection (1) shall,

- (a) use only single-service articles;
- (b) provide a supply of single-use commercially packaged moist hand towelettes for the personal hygiene of its employees; and
- (c) where it has an eating or drinking area, have an eating or drinking area that does not exceed fifty-six square metres. R.R.O. 1990, Reg. 562, s. 3 (2).

#### Catering Vehicles

4. (1) All food offered for sale from a catering vehicle shall be pre-packaged except for hot beverages and french fried potatoes. R.R.O. 1990, Reg. 562, s. 4 (1).

(2) Every catering vehicle shall be equipped with mechanically refrigerated storage and display facilities that shall be used for holding hazardous foods. R.R.O. 1990, Reg. 562, s. 4 (2).

(3) Subsection (2) does not apply to vehicles from which only frozen confections in the original package or wrapper are sold. R.R.O. 1990, Reg. 562, s. 4 (3).

#### Mobile Preparation Premises

5. (1) Mobile preparation premises are exempt from the provisions of sections 68 and 69, but where a mobile preparation premises provides sanitary facilities for its employees the sanitary facilities shall be in compliance with sections 68 and 69. R.R.O. 1990, Reg. 562, s. 5 (1).

(2) In every mobile preparation premises,

- (a) food shall be prepared within the premises and served to the public by persons working within the premises;
- (b) only single-service articles shall be used;
- (c) service doors and windows to the preparation area shall be screened and, when the premise is in motion, tightly closed with a solid material to prevent the entrance of dust and fumes into the food preparation area;
- (d) the driver's compartment shall be completely partitioned from the food preparation area and, where the partition has an access door, the door shall be solid and self-closing;
- (e) separate holding tanks shall be provided for toilet and sink wastes; and
- (f) every waste tank and water supply tank shall be equipped with an easily readable gauge for determining the waste or water level in the tank. R.R.O. 1990, Reg. 562, s. 5 (2).

(3) Revoked: O. Reg. 338/07, s. 2.

#### Street Food Vending Carts

5.1 (1) The only foods permitted to be sold or offered for sale from a street food vending cart are,

(a) foods including, without being limited to, soda, pre-packaged salads and fruits and baked goods,

(i) that are pre-packaged in another food premise to which this Regulation applies or another premise that is similar to a food premise to which this Regulation applies and that is regulated under the laws of another jurisdiction for purposes similar to this Regulation, and that are transported from that other premise in a ready-to-eat state, and

(ii) that are sold in the street food vending cart in the packaging in which they are delivered;

(b) foods including, without being limited to, wieners or similar sausage products, pizza, samosas, burritos, beef patties and hamburgers,

(i) that are pre-cooked in another food premise to which this Regulation applies or another premise that is similar to a food premise to which this Regulation applies and that is regulated under the laws of another jurisdiction for purposes similar to this Regulation, and

(ii) that are re-heated on the street food vending cart prior to being sold or offered for sale;

(c) non-hazardous foods including, without being limited to, french fried potatoes, fruit juices, non-dairy smoothies, corn on the cob and whole fruit, that are either,

(i) prepared on the street food vending cart in a manner permitted under subsection (2), or

(ii) brought to the street food vending cart in a prepared state after being prepared in another food premise to which this Regulation applies or another premise that is similar to a food premise to which this Regulation applies and that is regulated under the laws of another jurisdiction for purposes similar to this Regulation; and

(d) other foods that are permitted to be sold or offered for sale under subsection (3). O. Reg. 338/07, s. 3.

(2) Food preparation for the purposes of clause (1) (c) is limited to preparation, including handling, that is conducted in a safe and sanitary manner that will prevent contamination of the non-hazardous foods, and that complies with all other applicable requirements of this Regulation respecting the safe preparation of foods. O. Reg. 338/07, s. 3.

(3) The operator of a street food vending cart may sell or offer to sell foods from the cart that are not listed in clauses (1) (a), (b) and (c) if,

(a) the medical officer of health has received a request from the operator to sell the items;

(b) the medical officer of health is satisfied that, with appropriate safeguards, the sale of the additional foods poses no greater risk to the health of the patrons of the street food vending cart than the sale of the foods listed in clauses (1) (a), (b) and (c);

(c) the medical officer of health has issued a letter of permission to the operator to permit the sale that sets out any requirements regarding the maintenance of the premise, equipment, food handling, cooking, preparation or storage that are necessary to ensure that the safeguards required under clause (b) are in place; and

(d) the operator complies with the requirements set out in the letter of permission, and posts the letter of permission in a prominent place. O. Reg. 338/07, s. 3.

(4) Street food vending carts are exempt from the provisions of sections 68 and 69, but where such a premise provides sanitary facilities for its employees the sanitary facilities shall be in compliance with sections 68 and 69. O. Reg. 338/07, s. 3.

(5) At every street food vending cart,

(a) only single-service articles shall be used;

(b) during all times when the premise is in operation the food preparation, food holding and food service areas of the street food vending cart shall be completely covered by an overhead canopy of corrosion-resistant, non-absorbent and readily cleanable material to prevent the adulteration of foods;

(c) separate holding tanks shall be provided for toilet and sink wastes; and

(d) every waste tank and water supply tank shall be equipped with an easily readable gauge for determining the waste or water level in the tank. O. Reg. 338/07, s. 3.

#### Vending Machines

6. Every vending machine shall be so constructed that,

- (a) it is sealed to the floor or is mounted on legs not less than 15 centimetres in height or on casters or rollers that permit ease of movement for cleaning purposes;
- (b) service connections through the exterior of the machine are sealed and are such as to prevent or discourage unauthorized disconnection;
- (c) door and panel access openings to product and container storage spaces are tight-fitting to prevent the entrance of any contaminating substance or thing;
- (d) ventilation louvers and openings are screened against insects by means of screening material of not less than 16 mesh to each 2.54 square centimetres;
- (e) any condenser unit forming part of the machine is sealed from product and container storage spaces;
- (f) openings by which food is delivered are protected by means of self-closing and tight-fitting doors or covers;
- (g) food storage compartments in which spillage may occur are self-draining;
- (h) openings into all containers used for the storage of food are provided with covers suitable to prevent contamination from reaching the interior of the container; and
- (i) containers and fittings may be disassembled to permit cleaning and sanitizing or so arranged that cleaning and sanitizing solutions can be circulated throughout the fixed system. R.R.O. 1990, Reg. 562, s. 6.

7. Every vending machine shall be provided with,

- (a) a potable water supply piped into the machine under pressure where water is an automatically admixed ingredient;
- (b) a device that will protect against the entrance of carbon dioxide or carbonated liquid into the water supply system;
- (c) automatic controls that will prevent the vending of hazardous foods where,
- (i) the temperature of a refrigerated compartment exceeds 7° Celsius, or
- (ii) the temperature of a heated compartment falls below 60° Celsius; and
- (d) an automatic shut-off control that will prevent the overflow of liquid waste where such wastes are collected inside the vending machine. R.R.O. 1990, Reg. 562, s. 7.

8. The components of a vending machine that come into contact with food shall be cleaned and sanitized in the manner prescribed for utensils under section 71, 72, 73, 74, 75 or 76, as the case may be, and for this purpose mobile or remote cleaning and sanitizing facilities may be used. R.R.O. 1990, Reg. 562, s. 8.

9. The name and telephone number of the operator of the vending machine shall be prominently displayed at vending sites where an employee is not in full-time attendance. R.R.O. 1990, Reg. 562, s. 9.

#### Locker Plants

10. (1) Every locker plant shall be equipped with,

- (a) a facility for the freezing of food prior to storage; and
- (b) a locker room for the storage of frozen foods. R.R.O. 1990, Reg. 562, s. 10 (1).

(2) The following temperatures shall be maintained in each of the following rooms or compartments:

1. Room or compartment used only for freezing, minus 18° Celsius or lower with a tolerance up to minus 12° Celsius during the initial stage of freezing food.

2. Locker room, not above minus 18° Celsius with a tolerance up to minus 15° Celsius during periods of public access. R.R.O. 1990, Reg. 562, s. 10 (2).

(3) The temperatures prescribed in subsection (2) shall not prohibit such variations as are necessary during the time required for defrosting operations. R.R.O. 1990, Reg. 562, s. 10 (3).

(4) Every locker room in a locker plant shall be provided with an accurate self-recording thermometer and temperature records shall,

- (a) not be used for a period that will exceed one complete rotation of the graph; and



- (b) be properly dated and signed by the operator and preserved at the plant for a period of at least one year. R.R.O. 1990, Reg. 562, s. 10 (4).
- (5) The locker room or freezing facility of a locker plant shall be used only for the processing or storage of food. R.R.O. 1990, Reg. 562, s. 10 (5).
- (6) Every locker plant operator shall keep an accurate record of the name and address of each person renting a locker in a locker plant operated by the operator. R.R.O. 1990, Reg. 562, s. 10 (6).
- (7) Every locker room in a locker plant shall be equipped with a conveniently located properly functioning noise alarm for operation by patrons from within the locker room. R.R.O. 1990, Reg. 562, s. 10 (7).
- (8) The access door of every locker room shall be fitted with a properly functioning safety lock release so that it can be operated from inside the locker room. R.R.O. 1990, Reg. 562, s. 10 (8).
- (9) The records referred to in subsections (4) and (6) shall be made available upon request to the medical officer of health or a public health inspector. R.R.O. 1990, Reg. 562, s. 10 (9).

### PART III GENERAL

#### Building Maintenance

11. Every food premise shall be operated and maintained such that,

- (a) the premises are free from every condition that may,
  - (i) be a health hazard,
  - (ii) adversely affect the sanitary operation of the premises, or
  - (iii) adversely affect the wholesomeness of food therein;
- (b) no room where food is manufactured, handled, displayed, distributed, sold or offered for sale, prepared, processed, served, transported or stored is used for sleeping purposes;
- (c) a separate room, compartment, locker or cupboard is provided for keeping wearing apparel of employees;
- (d) the floor or floor coverings are tight, smooth and non-absorbent in rooms where,
  - (i) food is manufactured, handled, displayed, distributed, sold or offered for sale, prepared, processed, served, transported or stored,
  - (ii) utensils are washed, or
  - (iii) washing fixtures and toilet fixtures are located; and
- (e) the walls and ceilings of rooms and passageways may be readily cleaned and may be maintained in a sanitary condition.
- (f), (g) Revoked: O. Reg. 586/99, s. 3 (3).

R.R.O. 1990, Reg. 562, s. 11; O. Reg. 586/99, s. 3.

12. Despite clause 11 (d), carpeting may be used in areas where food is served where the carpeting is maintained in a clean and sanitary condition. R.R.O. 1990, Reg. 562, s. 12.

#### Lighting

13. The levels of illumination required under the Ontario Building Code shall be maintained during all hours of operation of a food premise. O. Reg. 586/99, s. 4.

14. Revoked: O. Reg. 586/99, s. 4.

#### Ventilation

15. The ventilation system in every food premise shall be maintained so that the premise does not become a health hazard. O. Reg. 586/99, s. 4.

16., 17. Revoked: O. Reg. 586/99, s. 4.

#### Equipment

18. Any article or piece of equipment that is used for the manufacture, distributing, sale or offering for sale, preparation, processing, handling, transportation, storage or display of food shall be,

- (a) of sound and tight construction;
- (b) kept in good repair; and
- (c) of such form and material that it can be readily cleaned and sanitized. R.R.O. 1990, Reg. 562, s. 18.

19. (1) Equipment and utensils with which food comes in direct contact shall be,

- (a) corrosion-resistant and non-toxic; and
- (b) free from cracks, crevices and open seams. R.R.O. 1990, Reg. 562, s. 19 (1).
- (2) Despite subsection (1), cutting boards, blocks, tables, bowls, platters and churns of hardwood or other materials may be used where,
  - (a) such equipment is maintained in a clean and sanitary condition; and
  - (b) the manner and conditions of their use are not a health hazard. R.R.O. 1990, Reg. 562, s. 19 (2).

20. (1) Every food premise shall be provided with,

- (a) a supply of potable water adequate for the operation of the premises;
- (b) hot and cold running water under pressure in areas where food is processed, prepared or manufactured or utensils are washed;
- (c) a separate handwashing basin in a location convenient for employees in each processing, preparation and manufacturing area, together with supplies of hot and cold water, soap or detergent in a dispenser, and,
  - (i) clean single-service towels, or
  - (ii) a continuous cloth roller towel in a mechanical device and a supply of paper towels;
- (d) refrigerated space adequate for the safe storage of perishable and hazardous food; and
- (e) containers of durable, leakproof and non-absorbent material with tight-fitting or self-closing lids sufficient for storing all garbage and waste in a sanitary manner. R.R.O. 1990, Reg. 562, s. 20 (1).
- (2) The basin referred to in clause (1) (c) shall be used only for the handwashing of employees. R.R.O. 1990, Reg. 562, s. 20 (2).

21. Temperature controlled rooms and compartments used for the storage of hazardous foods shall be provided with accurate indicating thermometers that may be easily read. R.R.O. 1990, Reg. 562, s. 21.

22. Racks, shelves or pallets shall be provided for the storage of food and no rack or shelf shall be placed less than fifteen centimetres above the floor. R.R.O. 1990, Reg. 562, s. 22.

23. All food shall be stored on the racks, shelves or pallets referred to in section 22. R.R.O. 1990, Reg. 562, s. 23.

24. Tongs, spoons and scoops of corrosion-resistant and non-toxic material shall be used, wherever possible, to avoid direct hand contact with food. R.R.O. 1990, Reg. 562, s. 24.

25. Revoked: O. Reg. 586/99, s. 5.

#### Food Handling

26. All food shall be protected from contamination and adulteration. R.R.O. 1990, Reg. 562, s. 26.

27. All hazardous food displayed for sale or service shall be protected against contamination by means of enclosed containers, cabinets, shields or shelves. R.R.O. 1990, Reg. 562, s. 27.

28. Food transported by an operator shall be enclosed in containers or in such other manner as to prevent contamination of the food and to maintain the food at the temperature prescribed in section 32, 33, 34 or 35, as the case may be. R.R.O. 1990, Reg. 562, s. 28.

29. Food containers that are multi-service articles shall,

(a) be constructed of such materials and in such a manner as to be readily cleaned and sanitized; and

(b) not be used for any purpose other than the packaging of food. R.R.O. 1990, Reg. 562, s. 29.

30. (1) Milk served as a beverage shall be offered for sale or served in or from the original container as filled by the processor. R.R.O. 1990, Reg. 562, s. 30 (1).

(2) Subject to subsection (3), milk, cream and edible oil substitutes that are to be used with beverages and cereals shall be added to the beverages and cereals from the original container as filled by the processor. R.R.O. 1990, Reg. 562, s. 30 (2).

(3) A container other than the original may be used when milk, cream or an edible oil substitute accompanies a beverage or cereal in the service of a seated patron, provided that,

(a) the container is filled from the original container immediately prior to serving;

(b) portions remaining at the end of each service are discarded; and

(c) the container is cleaned and sanitized in accordance with section 73, 74, 75, 76 or 77, as the case may be, after each service. R.R.O. 1990, Reg. 562, s. 30 (3).

31. (1) Ice used in the preparation and processing of food or drink shall be made from potable water and shall be stored and handled in a sanitary manner. R.R.O. 1990, Reg. 562, s. 31 (1).

(2) Steam that contacts food during processing or preparation shall be from a potable supply and free of toxic substances. R.R.O. 1990, Reg. 562, s. 31 (2).

32. Hazardous foods in hermetically sealed containers that have not been subjected to a process sufficient to prevent the production of bacterial toxins or the survival of spore-forming pathogenic bacteria shall,

(a) have "Keep Refrigerated" prominently marked on the container; and

(b) be maintained, transported, displayed, stored or offered for sale at an internal temperature not higher than 4 degrees Celsius. R.R.O. 1990, Reg. 562, s. 32; O. Reg. 101/06, s. 1.

33. (1) The cooking, reheating, freezing and holding temperatures of food shall be in accordance with the requirements of this section. O. Reg. 74/04, s. 1.

(2) Except as otherwise provided in subsection (3), a hazardous food shall be distributed, maintained, stored, transported, displayed, sold and offered for sale only under conditions in which the internal temperature of the food is,

(a) 4 degrees Celsius, or lower; or

(b) 60 degrees Celsius, or higher. O. Reg. 74/04, s. 1.

(3) Subsection (2) does not apply,

(a) to a hazardous food during those periods of time that are necessary for the preparation, processing and manufacturing of the food; or

(b) to a hermetically sealed food that has been subjected to a process sufficient to prevent the production of bacterial toxins or the survival of spore-forming pathogenic bacteria. O. Reg. 74/04, s. 1.

(4) Whole poultry shall be cooked to reach an internal temperature of at least 82 degrees Celsius for at least 15 seconds. O. Reg. 74/04, s. 1.

(5) A food mixture containing poultry, egg, meat, fish or another hazardous food shall be cooked to reach a temperature of at least 74 degrees Celsius for at least 15 seconds in all parts of the mixture. O. Reg. 74/04, s. 1.

(6) The following shall be cooked to reach an internal temperature of at least 74 degrees Celsius for at least 15 seconds:

1. Poultry, other than whole poultry.

2. All parts of ground poultry.

3. All parts of ground meat that contains poultry. O. Reg. 74/04, s. 1.

(7) The following shall be cooked to reach an internal temperature of at least 71 degrees Celsius for at least 15 seconds:

1. Pork.

2. Pork products.

3. All parts of ground meat, other than ground meat that contains poultry. O. Reg. 74/04, s. 1.

(8) Fish shall be cooked to reach an internal temperature of at least 70 degrees Celsius for at least 15 seconds. O. Reg. 74/04, s. 1.

(9) Subsection (8) does not apply to fish that is intended to be consumed raw, including raw-marinated and partially cooked fish. O. Reg. 173/05, s. 1.

(10) Except as otherwise provided in subsection (11), a hazardous food that is cooked, cooled and reheated for hot holding must reach an internal temperature for at least 15 seconds during the reheating process that is at least as high as the minimum internal temperature the food must reach under this section during cooking. O. Reg. 74/04, s. 1.

(11) Whole poultry that is cooked, cooled and reheated for hot holding must reach an internal temperature for at least 15 seconds during the reheating process that is at least 74 degrees Celsius. O. Reg. 74/04, s. 1.

(12) The process of reheating a hazardous food in accordance with subsection (10) or (11) shall not take more than two hours. O. Reg. 74/04, s. 1.

(13) The operator of a food premise is exempt from the requirements of subsection (4), (5), (6), (7), (8), (9), (10) or (11) in respect of a hazardous food if,

(a) the medical officer of health is satisfied that cooking or reheating the hazardous food, as the case may be, to a different temperature or for a different length of time, or both, is sufficient to prevent the growth of pathogenic organisms, to prevent the production of toxins from pathogenic organisms and to destroy parasites; and

(b) the operator of the food premise ensures that the hazardous food is cooked or reheated, as the case may be, to the temperature and for the length of time required by the medical officer of health. O. Reg. 74/04, s. 1.

(14) An accurate thermometer that can be easily read shall be used to measure the internal temperature of hazardous foods. O. Reg. 74/04, s. 1.

34. Despite clause 33 (2) (a), eggs may be transported at an internal temperature of 13° Celsius or lower where the eggs are being transported from an egg grading station to,

(a) a wholesaler of eggs;

(b) a retailer of eggs; or

(c) an egg product processing station. R.R.O. 1990, Reg. 562, s. 34; O. Reg. 74/04, s. 2.

35. Food that is intended to be transported, displayed, stored, sold or offered for sale in a frozen state shall be frozen to a temperature of minus 18° Celsius or lower and maintained thereafter at a temperature of minus 18° Celsius or lower until sold or prepared for use. R.R.O. 1990, Reg. 562, s. 35.

36. (1) Cans, containers or wrappings of hazardous food shall bear,

(a) a permanent code marking of the manufacturer or processor designating the plant where the food was manufactured or processed; and

(b) the date on which the food was manufactured or an expiry date. R.R.O. 1990, Reg. 562, s. 36 (1).

(2) Subsection (1) does not apply where hazardous food is packaged and sold at retail on the same food premise. R.R.O. 1990, Reg. 562, s. 36 (2).

#### Meat and Meat Products

37. Manufactured meat products that are customarily eaten without further cooking shall be subjected to a process sufficient to destroy pathogenic bacteria, parasites and the cystic forms of parasites. R.R.O. 1990, Reg. 562, s. 37.

38. (1) Every operator of a premise in which meat products are manufactured shall maintain records of meats received for processing in the premise and the records shall include the kinds of meats, the names and addresses of suppliers, weights and the dates of receipt. R.R.O. 1990, Reg. 562, s. 38 (1).

(2) A record referred to in subsection (1) shall be maintained at the premise for not less than one year from the date of entry of the record. R.R.O. 1990, Reg. 562, s. 38 (2).

39. (1) Except as provided in subsections (2) and (3), every manufactured meat product that is transported, handled, distributed, displayed, stored, sold or offered for sale at a food premise shall be identified as to the meat processing plant of origin by a tag, stamp or label affixed to the product. R.R.O. 1990, Reg. 562, s. 39 (1).

(2) A bulk packed manufactured meat product that cannot be individually identified under subsection (1) because of its size, shape or consistency may be removed from its container for the purpose of display or sale where the container bears the plant identification referred to in subsection (1). R.R.O. 1990, Reg. 562, s. 39 (2).

(3) Subsection (1) does not apply to a manufactured meat product stored, sold or offered for sale in a retail outlet at the plant of origin. R.R.O. 1990, Reg. 562, s. 39 (3).

39.1 In sections 40 and 41,

“uninspected meat” means meat obtained from an animal that has not been inspected in accordance with Ontario Regulation 31/05 (Meat) made under the Food Safety and Quality Act, 2001 or the Meat Inspection Act (Canada). O. Reg. 99/08, s. 1.

40. (1) The only meat permitted at a food premise is meat that has been obtained from an animal inspected in accordance with either Ontario Regulation 31/05 (Meat) made under the Food Safety and Quality Act, 2001 or the Meat Inspection Act (Canada) and that has been stamped and labelled or otherwise identified in accordance with that regulation or that Act. O. Reg. 101/06, s. 2 (1).

(2) Despite subsection (1), a food premise where meat is sold, other than a food service premise, may have uninspected meat obtained through hunting that is at the food premise for the purposes of custom-cutting, wrapping and freezing it for its owner if,

(a) the uninspected meat is custom-cut, wrapped, frozen and stored in such a manner that it does not come into contact with inspected meat;

(b) each quarter or larger section of the carcass bears a tag showing the name and address of the owner of the uninspected meat; and

(c) each quarter or larger section of the carcass is legibly stamped “Consumer Owned, Not for Sale” on each of the primal cut areas, using ink made from non-toxic edible ingredients and in letters at least 1.25 centimetres in height. O. Reg. 74/04, s. 3.

(2.1) Despite subsection (1), a food premise that falls within the definition of “meat plant” in Ontario Regulation 31/05 (Meat) made under the Food Safety and Quality Act, 2001 may have uninspected meat at the food premise if,

(a) an approval has been issued under Part VIII.2 of that regulation for the uninspected meat to enter a meat plant as defined in that regulation;

(b) a regional veterinarian has approved the food premise under Part VIII.3 of that regulation for the purposes of receiving the meat for the period of time that the meat is present on the premise; and

(c) the uninspected meat is kept out of any part of the food premise where food is sold, served or offered for sale. O. Reg. 99/08, s. 2.

(2.2) Despite subsection (1), a food premise that falls within the definition of “meat plant” in Ontario Regulation 31/05 (Meat) made under the Food Safety and Quality Act, 2001 may have uninspected meat that is a hunted game carcass as defined in that regulation on the premise for the purposes of dressing, cutting, wrapping or freezing the carcass or processing hunted game products as defined in that regulation from it for the owner of the carcass if,

(a) the premise has been approved under Part VIII.4 of that regulation for the purposes of receiving and processing hunted game carcasses; and

(b) the uninspected meat is kept out of any part of the food premise where food is sold, served or offered for sale. O. Reg. 99/08, s. 2.

(3) Despite subsection (1), a food premise located at the Sioux Lookout Meno-Ya-Win Health Centre may have on the premises uninspected meat from wild moose, wild duck, wild goose, wild caribou, wild muskrat, wild rabbit, wild deer, wild beaver, wild elk and wild muskox if the animal or bird was killed in the course of hunting and if the following conditions are met:

1. The uninspected meat is handled, prepared, processed and stored for the sole purpose of serving it to patients, visitors and staff at the Health Centre.

2. The uninspected meat is handled, prepared, processed and stored so that it does not come into contact with other food before the other food is served.

3. Patients, visitors and staff at the Health Centre are informed in writing each time before they are served uninspected meat that the meat has not been inspected in accordance with either Ontario Regulation 31/05 (Meat) made under the Food Safety and Quality Act, 2001 or the Meat Inspection Act (Canada) and that meat that has been inspected is available for consumption.

4. Patients, visitors and staff at the Health Centre are informed in writing that meat that has been inspected in accordance with either Ontario Regulation 31/05 (Meat) made under the Food Safety and Quality Act, 2001 or the Meat Inspection Act (Canada) is always available to be served on the premises. O. Reg. 502/01, s. 1; O. Reg. 101/06, s. 2 (2).

(4) Despite subsection (1), a food premise may have on the premises uninspected meat obtained through hunting that is handled, prepared and stored for the sole purpose of serving it at a wild game dinner held under the authority of an authorization granted under subsection 52 (1) of the Fish and Wildlife Conservation Act, 1997, if the following conditions are met:

1. The uninspected meat is handled, prepared and stored so that it does not come into contact with other food before the other food is served.

2. Patrons and staff are notified in writing each time before they are served uninspected meat that the meat has not been inspected in accordance with either Ontario Regulation 31/05 (Meat) made under the Food Safety and Quality Act, 2001 or the Meat Inspection Act (Canada). The notice shall be clearly printed on each ticket issued to a patron of a wild game dinner and also be posted in a conspicuous place at the entrance to the venue at which the wild game dinner is held.

3. The operator must keep a list of all patrons that attend the wild game dinner and must provide a copy of the list to a public health inspector upon request. The list must contain each patron's name, address and telephone number in full.

4. The operator must keep a list of all persons who donate uninspected meat for a wild game dinner and must provide a copy of the list to a public health inspector upon request. The list must contain,

i. each donor's name, address and telephone number in full, and

ii. with respect to each donor, the name of the species from which the donated meat was obtained. O. Reg. 101/06, s. 2 (3).

41. In a food premise, utensils, equipment and food contact surfaces used in connection with uninspected meat shall be washed and sanitized in accordance with sections 73, 74, 75, 76, 77 and 81, whichever apply in the circumstances, before being used in connection with any other food, including inspected meat. O. Reg. 502/01, s. 1.

#### Milk and Milk Products

42. (1) Milk products shall be pasteurized or made from milk that has been pasteurized by heating the milk product to a temperature of at least,

(a) 63° Celsius and holding it at that temperature for not less than thirty minutes;

(b) 72° Celsius and holding it at that temperature for not less than sixteen seconds; or

(c) such temperature other than a temperature referred to in clause (a) or (b) for such period of time that will result in the equivalent destruction of pathogenic organisms and phosphatase. R.R.O. 1990, Reg. 562, s. 42 (1).

(2) A milk product shall be sterilized by heating the milk product to a temperature of 135° Celsius and holding it at that temperature for not less than two seconds, or to such other temperature for such period of time that will result in sterilization. R.R.O. 1990, Reg. 562, s. 42 (2).

43. (1) Milk products other than butter and goat milk shall be deemed to have been pasteurized if the product is negative when tested for the presence of alkaline phosphatase as determined by the official method. R.R.O. 1990, Reg. 562, s. 43 (1).

(2) A milk product shall be deemed to have been sterilized if a sample of the product is free of living organisms as determined by an official method. R.R.O. 1990, Reg. 562, s. 43 (2).

44. Despite subsection 43 (1),

(a) butter shall be deemed to have been made from pasteurized milk or cream if it is negative when tested for the presence of peroxidase as determined by an official method; and

(b) goat milk shall be deemed to have been pasteurized if the recording thermometer chart indicates the milk was heated as required in section 42. R.R.O. 1990, Reg. 562, s. 44.

45. Subsection 18 (2) of the Act does not apply to cheese made from unpasteurized milk if the cheese has been stored at a temperature not lower than 2° Celsius for a period of not less than sixty days following the time of manufacture. R.R.O. 1990, Reg. 562, s. 45.

46. (1) Milk products shall be cooled immediately after pasteurization to a temperature of at least 5° Celsius or less. R.R.O. 1990, Reg. 562, s. 46 (1).

(2) Subsection (1) does not apply to a milk product that,

(a) is to be further processed prior to packaging, then cooled to 5° Celsius, or less;

(b) has been sterilized and is to be or is aseptically packaged; or

(c) is processed by drying. R.R.O. 1990, Reg. 562, s. 46 (2).

47. (1) Every pasteurizer used for milk products shall be equipped with indicating and recording thermometers that are accurate and may be easily read. R.R.O. 1990, Reg. 562, s. 47 (1).

(2) Every high temperature short time pasteurizer used for milk products shall be equipped with a properly functioning flow diversion valve. R.R.O. 1990, Reg. 562, s. 47 (2).

(3) Recording thermometers shall be moisture proof and easily read. R.R.O. 1990, Reg. 562, s. 47 (3).

48. The temperature of a milk product in a pasteurizer at any time shall be taken as the temperature shown on the indicating thermometer and not the temperature shown by the recording thermometer. R.R.O. 1990, Reg. 562, s. 48.

49. The temperature shown by the recording thermometer shall be checked daily by the operator against the temperature shown by the indicating thermometer and shall be adjusted to read no higher than the temperature shown by the indicating thermometer. R.R.O. 1990, Reg. 562, s. 49.

50. (1) A recording thermometer chart shall not be used for a period that will exceed one complete rotation of the graph. R.R.O. 1990, Reg. 562, s. 50 (1).

(2) A recording thermometer chart shall have the following information noted thereon:

1. The date of operation.

2. The number of the pasteurizer, if more than one is in use, to which the recorder was attached.

3. The temperature of the indicating thermometer at some time corresponding with a marked point in the holding period.

4. The name of product being pasteurized.

5. The signature of the operator. R.R.O. 1990, Reg. 562, s. 50 (2).

(3) Where more than one recording thermometer is in use, each chart shall be numbered in such a manner as to indicate the recording thermometer that was used for the chart. R.R.O. 1990, Reg. 562, s. 50 (3).

(4) A recording thermometer chart shall be kept by an operator for at least three months after it is used. R.R.O. 1990, Reg. 562, s. 50 (4).

51. Sterilized fluid milk products shall be sold in or from containers that bear the words "STERILIZED" or "STERILE" and "REFRIGERATE AFTER OPENING". R.R.O. 1990, Reg. 562, s. 51.

52. (1) A food premise that repackages milk products not produced in that food premise, shall identify the original processor, packing date and batch number on the containers of repackaged milk products. R.R.O. 1990, Reg. 562, s. 52 (1).

(2) Despite subsection (1), the operator of the food premise may show on the containers of repackaged milk products,

(a) the operator's name and address or code marking; and

(b) the operator's "Best Before" or repackaging date,

provided that records are maintained by the operator that identify the original processor, packing date and batch number of the milk products. R.R.O. 1990, Reg. 562, s. 52 (2).

(3) Subsections (1) and (2) do not authorize the repackaging of fluid milk products. R.R.O. 1990, Reg. 562, s. 52 (3).

53. Despite section 23, cases of fluid milk products may be stored directly on the floor of refrigerated rooms provided that such cases are designed for re-use and do not permit direct contact between the floor and the fluid milk container. R.R.O. 1990, Reg. 562, s. 53.

#### Eggs

54. (1) No operator of a food premise shall store, handle, serve, process, prepare, display, distribute, transport, offer for sale or sell ungraded or Grade "C" eggs. R.R.O. 1990, Reg. 562, s. 54 (1).

(2) Despite subsection (1), the operator of an egg grading station may store and handle ungraded eggs for the purpose of grading and may sell and transport Grade "C" eggs to an egg processing station. O. Reg. 518/93, s. 1.

(3) Revoked: O. Reg. 518/93, s. 1.

55. Revoked: O. Reg. 518/93, s. 2.

#### Maintenance

56. Furniture, equipment and appliances in any room or place where food is manufactured, stored, handled, displayed, distributed, sold or offered for sale, prepared, processed or served shall be so constructed and arranged as to permit thorough cleaning and the maintaining of the room or place in a clean and sanitary condition. R.R.O. 1990, Reg. 562, s. 56.

57. (1) Garbage and wastes shall be removed from a food premise at least twice weekly or as often as is necessary to maintain the premise in a sanitary condition. R.R.O. 1990, Reg. 562, s. 57 (1).

(2) Garbage receptacles in a room or place where food is manufactured, prepared, handled, processed, displayed, sold or offered for sale, served or stored shall be,

(a) cleaned and sanitized after each use;

(b) removed from the room when full; and

(c) except where a daily collection service is provided, placed in a separate room or place, compartment or bin so constructed and maintained as to exclude insects and vermin and prevent odours and health hazards on the premises. R.R.O. 1990, Reg. 562, s. 57 (2).

(3) All liquid waste from the operation of a food premise shall be disposed of in a sanitary manner. R.R.O. 1990, Reg. 562, s. 57 (3).

58. Cooking equipment shall be,

(a) provided with a shield, canopy or other device of corrosion-resistant, non-absorbent and readily cleanable material; or

(b) placed so as to protect walls, ceilings and equipment from grease and food particles. R.R.O. 1990, Reg. 562, s. 58.

59. Every operator of a food premise shall ensure that in respect of the food premise,

(a) the food premise is swept and cleaned in such a manner as to prevent contamination of food;

(b) no cup, glass, dish or utensil that is chipped or cracked is used in the preparation, service or storage of food;

(c) containers, caps, covers and wrapping materials used in the packaging of food shall be made from materials that,

(i) are non-toxic, and

(ii) will prevent contamination or adulteration of the food or milk;

(d) single-service containers and single-service articles are kept in such a manner and place as to prevent contamination of the containers or articles;

(e) every room where food is manufactured, prepared, processed, handled, served, displayed, stored, sold or offered for sale is kept free from,

(i) materials and equipment not regularly used in the room, and

(ii) subject to section 60, live birds and animals;

(f) dispensing scoops and dippers for ice cream, frozen confections or desserts are kept in a dipper-well with running water between servings, or in any other manner that will prevent bacterial growth;

(g) the surface of equipment and facilities other than utensils that come in contact with food are washed and sanitized as often as is necessary to maintain such surfaces in a sanitary condition; and

(h) the floors, walls and ceilings of every room where food is manufactured, handled, displayed, prepared, processed, served or stored, sold or offered for sale are kept clean and in good repair. R.R.O. 1990, Reg. 562, s. 59.

60. (1) Subclause 59 (e) (ii) does not apply to,



- (a) a service dog serving as a guide for a blind person or for a person with another medical disability who requires the use of a service dog, if the service dog is in an area of the food premise where food is served, sold or offered for sale;
  - (b) live birds or animals offered for sale on food premises other than food service premises where the medical officer of health has given approval in writing for the keeping of the birds or animals on the premises; or
  - (c) live aquatic species displayed or stored in sanitary tanks on food premises. R.R.O. 1990, Reg. 562, s. 60; O. Reg. 74/04, s. 4 (1).
- (2) A dog other than a guide dog for the blind is a service dog for the purposes of clause (1) (a) if,
- (a) it is readily apparent to an average person that the dog functions as a service dog for a person with a medical disability; or
  - (b) the person who requires the dog can provide on request a letter from a physician or nurse confirming that the person requires a service dog. O. Reg. 74/04, s. 4 (2).
61. Table covers, napkins or serviettes used in the service of food shall be clean and in good repair and multi-service napkins and serviettes shall be laundered before each use. R.R.O. 1990, Reg. 562, s. 61.
62. Cloths and towels used for washing, drying or polishing utensils or cleaning tables shall be,
- (a) in good repair;
  - (b) clean; and
  - (c) used for no other purpose. R.R.O. 1990, Reg. 562, s. 62.
63. Toxic and poisonous substances required for maintenance of sanitary conditions shall be,
- (a) kept in a compartment separate from food so as to preclude contamination of any food, working surface or utensil;
  - (b) kept in a container that bears a label on which the contents of the container are clearly identified; and
  - (c) used only in such manner and under such conditions that the substances do not contaminate food or cause a health hazard. R.R.O. 1990, Reg. 562, s. 63.
- Personnel
64. Revoked: O. Reg. 586/99, s. 5.
65. (1) Every operator or employee who handles or comes in contact with food or with any utensil used in the manufacture, storage, display, sale or offering for sale, preparation, processing or service of food shall,
- (a) not use tobacco while so engaged;
  - (b) be clean;
  - (c) wear clean outer garments;
  - (d) subject to subsection (2), wear headgear that confines the hair;
  - (e) wash his or her hands before commencing or resuming work and after each use of a toilet, urinal or privy;
  - (f) be free from any infectious agent of a disease that may be spread through the medium of food; and
  - (g) submit to such medical examinations and tests as are required by the medical officer of health to confirm the absence of an infectious agent mentioned in clause (f). R.R.O. 1990, Reg. 562, s. 65 (1).
- (2) Clause (1) (d) does not apply to servers, hosts, server's assistants, bartenders or other employees whose activities are usually confined to the serving of food to customers. R.R.O. 1990, Reg. 562, s. 65 (2).
66. A person who has a skin disease shall not perform any work that brings him or her into contact with food unless he or she has obtained the approval of the medical officer of health in writing before handling food. R.R.O. 1990, Reg. 562, s. 66.
67. Every operator of a food premise shall, in respect of the food premise, ensure the availability of the clean outer garments and headgear prescribed in subsection 65 (1) and shall ensure compliance with sections 65 and 66. R.R.O. 1990, Reg. 562, s. 67.

PART IV  
SANITARY FACILITIES

General

68. (1) Every food premise shall provide at least one sanitary facility for each sex in accordance with this section but nothing in this section applies with respect to a vehicle that is used for the transporting of food or a catering vehicle. O. Reg. 586/99, s. 6.

(2) Every sanitary facility in a food premise shall,

(a) have a sign clearly indicating the sex for which it is intended;

(b) be kept clean, sanitary and in good repair at all times. O. Reg. 586/99, s. 6.

(3) Every sanitary facility in a food premise shall be equipped with,

(a) a supply of toilet paper;

(b) a constant supply of hot and cold running water;

(c) a supply of soap or detergent in a dispenser;

(d) a durable, easy-to-clean receptacle for used towels and other waste material; and

(e) a continuous cloth roller towel in a mechanical device, a supply of paper towels, a supply of clean single service towels or a hot air dryer. O. Reg. 586/99, s. 6.

(4) Washbasins, urinals and toilets shall be cleaned and sanitized at least once every work day and as often as is necessary to maintain them in a sanitary condition. O. Reg. 586/99, s. 6.

(5) Washbasins may be equipped with a tepid water supply from a single tap. O. Reg. 586/99, s. 6.

(6) Access doors to sanitary facilities and toilet cubicles shall not be locked or equipped with coin or token operated unlocking devices except that cubicles with toilets in excess of the minimum number of toilets required by the Ontario Building Code may be equipped with such locking devices. O. Reg. 586/99, s. 6.

(7) A food premise where water-flush toilets could not be installed is exempt from the requirements of clauses (3) (b), (c) and (e) if, pursuant to a permit issued under the Building Code Act, 1992, non-flush toilets or privies completely separate from the food premise were constructed, and such facilities are lighted and provided with commercially-packaged single-use moist towelettes. O. Reg. 586/99, s. 6.

Employees

69. No operator of a food premise shall alter the floor space, number of toilets or washbasins in a sanitary facility without first receiving approval in writing from a Public Health Inspector having jurisdiction in the municipality in which the food premise is located. O. Reg. 586/99, s. 6.

Patrons of Food Service Premises

70. If a food service premise is operated in conjunction with an exhibition, fair, carnival, sports meeting or amusement park located in the same building or on the same grounds, public sanitary facilities may be used as an alternative to facilities that are part of a food service premise as long as the facilities are open when the premise is open. O. Reg. 586/99, s. 6.

Cleaning and Sanitizing of Utensils

71. (1) Multi-service articles shall be cleaned and sanitized after each use. R.R.O. 1990, Reg. 562, s. 71 (1).

(2) Utensils other than multi-service articles shall be cleaned and sanitized as often as is necessary to maintain them in a clean and sanitary condition. R.R.O. 1990, Reg. 562, s. 71 (2).

(3) Equipment for pasteurization, sterilization and subsequent handling of milk and milk products shall be sanitized immediately prior to use. R.R.O. 1990, Reg. 562, s. 71 (3).

72. (1) Equipment and facilities for the cleaning and sanitizing of utensils shall consist of,

(a) mechanical equipment; or

(b) equipment for washing by hand consisting of,

- (i) a three compartment sink or three sinks, of corrosion-resistant material of sufficient size to ensure thorough cleaning and sanitizing of utensils, or
  - (ii) a two-compartment sink or two sinks, of corrosion-resistant material for the cleaning and sanitizing of utensils where washing and rinsing can be done effectively in the first sink and the second sink is used for sanitizing as described in subsection 75 (1), and
  - (iii) drainage racks of corrosion-resistant material. R.R.O. 1990, Reg. 562, s. 72 (1); O. Reg. 586/99, s. 7 (1).
- (2) Revoked: O. Reg. 586/99, s. 7 (2).
- (3) Subclause (1) (b) (ii) does not apply to the cleaning and sanitizing of multi-service articles. R.R.O. 1990, Reg. 562, s. 72 (3).
73. Utensils shall be,
- (a) scraped or rinsed;
  - (b) cleaned;
  - (c) rinsed; and
  - (d) sanitized. R.R.O. 1990, Reg. 562, s. 73.
74. Where equipment for washing by hand is used, utensils shall be,
- (a) cleaned in a sink in a detergent solution capable of removing soil;
  - (b) rinsed in a second sink in clean water at a temperature not lower than 43° Celsius; and
  - (c) sanitized in a third sink. R.R.O. 1990, Reg. 562, s. 74.
75. (1) Utensils shall be sanitized by,
- (a) immersion in clean water at a temperature of at least 77° Celsius, or more, for at least forty-five seconds;
  - (b) immersion in a clean chlorine solution of not less than 100 parts per million of available chlorine at a temperature not lower than 24° Celsius for at least forty-five seconds;
  - (c) immersion in a clean quaternary ammonium compound solution of not less than 200 parts per million at a temperature not lower than 24° Celsius for at least forty-five seconds;
  - (d) immersion in a clean solution containing not less than twenty-five parts per million of available iodine at a temperature not lower than 24° Celsius for at least forty-five seconds; or
  - (e) immersion in any solution containing a sanitizing agent that is non-toxic and that provides a bactericidal result not less than the result provided by clause (a), (b) or (c) and for which a convenient test reagent is available. R.R.O. 1990, Reg. 562, s. 75 (1).
- (2) A test reagent for determining the concentration of sanitizer and an accurate thermometer to determine the temperature of the sanitizing solution shall be readily available where the sanitizing takes place. R.R.O. 1990, Reg. 562, s. 75 (2).
76. Despite sections 74 and 75, utensils, other than utensils that come into direct contact with a milk product or ready to eat food, may be cleaned and sanitized in one operation provided that,
- (a) the chemical product used is designed for that purpose;
  - (b) the product container bears directions for use indicating optimum temperature and exposure times;
  - (c) the product is used in accordance with the directions for use;
  - (d) a test reagent is readily available on the premises to determine the concentration of the sanitizing agent; and
  - (e) the utensils so treated are completely rinsed with clean water. R.R.O. 1990, Reg. 562, s. 76.
77. Mechanical equipment shall be,
- (a) so constructed, designed and maintained that,

(i) the wash water is sufficiently clean at all times to clean the dishes and is maintained at a temperature not lower than 60° Celsius or higher than 71° Celsius, and

(ii) the sanitizing rinse is,

(A) water that is maintained at a temperature not lower than 82° Celsius and is applied for a minimum of ten seconds in each sanitizing cycle, or

(B) a chemical solution described in clause 75 (1) (b), (c), (d) or (e); and

(b) provided with thermometers that show wash and rinse temperatures and that are so located as to be easily read. R.R.O. 1990, Reg. 562, s. 77.

78. A food premise is exempt from the provisions of section 77 where the medical officer of health is satisfied that the use of any other machine or device will effectively clean and sanitize utensils and result in a bacterial count on the utensils within the limit prescribed by section 80. R.R.O. 1990, Reg. 562, s. 78.

79. Where food processing equipment is cleaned and sanitized in place without disassembling the equipment, the operator shall ensure that instructions respecting,

(a) the chemicals used for cleaning and sanitizing;

(b) the strength of the chemical solutions used;

(c) the length of time the equipment was exposed to the chemicals; and

(d) the procedures used for cleaning and sanitizing the equipment,

are posted in a place accessible to the person carrying out the cleaning and sanitizing. R.R.O. 1990, Reg. 562, s. 79.

80. The standard plate count from a multi-service article shall not exceed 100 bacterial colonies after cleaning and sanitizing and prior to re-use when tested by an official method in accordance with the standard plate test, utilizing the swab technique. R.R.O. 1990, Reg. 562, s. 80.

81. Utensils that have been cleaned and sanitized shall be transported and stored in such a manner as to prevent contamination. R.R.O. 1990, Reg. 562, s. 81.

82. Where a utensil is so large as to preclude washing and sanitizing by means of sinks or other machines, it shall be washed or scrubbed with a detergent solution, rinsed with clean water and,

(a) sprayed or rinsed with hot water or steam in a manner that creates a temperature of not less than 82° Celsius on the treated surface; or

(b) sprayed or rinsed with a chemical solution of a type described in subsection 75 (1) at double the strength that is set out in the product directions. R.R.O. 1990, Reg. 562, s. 82; O. Reg. 74/04, s. 5.

## APPENDIX B – Food Safety Inspection Report

### Niagara Region Public Health

2201 St. David's Rd., Campbell East Thorold, ON L2V 0A2

Phone Number: (905) 688-3762 Fax Number: (905) 641-4994

### Food Services Inspection Report

<b>Mail To:</b>	<b>Our File Number:</b> FG-03-02462-6
	<b>Inspection Date:</b> February 5, 2011
	<b>Report Date:</b> February 8, 2011
<b>Facility Inspected:</b> Test Food	<b>Site Address:</b>
<b>Facility Contact:</b>	
<b>Facility Category:</b> General Food, Restaurant	
<b>Inspection Type:</b> Routine: Initial Inspection	
<b>Action(s) Taken:</b> No Action Required	
<b>Delivery Method:</b> Printed On Site	
<b>Opening Comments and Observations:</b>	

#### Compliance Category

#### Compliance

#### Food Safety

##### Refrigerated & Frozen Storage of Hazardous Food / Cold Holding

- |   |   |   |
|---|---|---|
| 1 | Cold holding: 4°C (40°F) or less s.33(2)(a)   | N |
|   | Hazardous foods are to be held at a cold internal temperature of 4°C (40°F) or lower.                             |   |
|   | Hazardous foods are not to be thawed at room temperature, either use a fridge, cold running water or a microwave. |   |

- |   |   |   |
|---|---|---|
| 2 | Freezing: -18°C (0°F) or less s.35  | N |
|   | Hazardous foods are to be at a frozen internal temperature of -18°C (0°F) or lower. |   |

##### Refrigerated & Frozen Storage of Hazardous Food / Cooling

- |   |   |   |
|---|---|---|
| 3 | Proper cooling practices observed from 60°C to 4°C s.33   | N |
|   | Hazardous foods should be portioned in order to facilitate rapid cooling.   |   |
|   | Hazardous foods should be portioned in shallow containers and/or placed in an ice bath to facilitate rapid cooling. |   |
|   | Hazardous foods must be cooled from 20°C to 4°C within 4 hours (exclude large cuts of meat).                        |   |
|   | Hazardous foods must be cooled from 60°C to 20°C within 2 hours (exclude large cuts of meat).                       |   |

##### Cooking/Hot Holding/Reheating of Hazardous Food / Internal Temperature

- |   |  |   |
|---|--|---|
| 4 | Probe thermometer used to verify food preparation and storage temperatures s.33(14)  | N |
|   | Ensure that the probe thermometer is cleaned and sanitized before and after each use.  |   |
| 5 | Thorough cooking to minimum internal food temperatures observed for at least 15 seconds s.33(4)(5)(6)(7)(8)                                      | N |
|   | Pork and pork products are to be cooked to a minimum internal temperature of 71°C (160°F).   |   |
|   | Poultry pieces/products are to be cooked to a minimum internal temperature of 74°C (165°F).  |   |
|   | Food mixtures containing poultry, eggs, meat, fish, or other hazardous foods are to be cooked to a minimum internal temperature of 74°C (165°F). |   |
|   | Ground beef is to be cooked to a minimum internal temperature of 71°C (160°F).   |   |
|   | Fish is to be cooked to a minimum internal temperature of 70°C (158°F).  |   |
|   | Whole poultry is to be cooked to a minimum internal temperature of 82°C (180°F).   |   |

##### Cooking/Hot Holding/Reheating of Hazardous Food / Hot Holding

C = In Compliance, X = Not in Compliance, N = Not Observed, T = Corrected at Time of Inspection

**Test Food****Facility Contact:****Community:** Niagara Falls**Report Date:** February 8, 2011**Compliance Category****Compliance****Cooking/Hot Holding/Reheating of Hazardous Food / Hot Holding**

- 6 Hot holding: Minimum of 60°C (140°F) after cooking/rapid re-heating s.33(2)(b) N  
Monitor hot holding temperatures with a probe thermometer throughout the day.  
Hazardous foods are to be held hot at an internal temperature of 60°C (140°F) or higher.

**Cooking/Hot Holding/Reheating of Hazardous Food / Re-heating**

- 7 Re-heating: To original cooking temperature within 2 hours s.33 N  
Steam table(s) and/or hot holding unit(s) are not to be used for re-heating of hazardous foods.

**Protection from Contamination by Food Handlers / Hand Washing**

- 8 Washing hands thoroughly before and after handling food s.65(1)(e) N  
Gloves are not intended to be used as a substitute for proper hand washing, and must be changed after potential contamination if they are used.  
Food handlers must wash hands between tasks (commencing work, handling food, using the washroom, smoking, cleaning etc.)

**Protection from Contamination by Food Handlers / Food Handling**

- 9 Food handlers use proper utensils to minimize direct hand contact with cooked or prepared foods s.24 N  
Utensils (tongs, scoops etc) are required to avoid direct contact with food.  
Gloves are not intended as a replacement for hand-washing and must be changed after potential contamination.

**Protection from Adulteration and Contamination / Cross-contamination**

- 10 Separate raw foods from cooked and / or ready-to-eat foods during storage and handling s.26 N  
Separate raw foods from cooked and/or ready-to-eat foods during storage.  
Raw foods (meats) are to be kept in a container while stored in a cold holding unit.  
Store raw meats below or away from cooked and/or ready-to-eat foods in a cold holding unit.
- 11 Maintain separation of ready-to-eat foods from raw food preparation surfaces and / or utensils s.26 N  
Separate preparation areas are required for raw foods and cooked and/or ready-to-eat foods.

**Protection from Adulteration and Contamination / Water Supply**

- 12 Constant supply of hot and cold potable running water where applicable s.20(1)(a)(b) N  
Provide hot and cold running water to all sinks in food preparation areas.  
Provide hot and cold running water to hand wash basins.

**Protection from Adulteration and Contamination / Food Protection**

- 13 Food protection from potential contamination (e.g. food covered, labeled, off floor, sneeze guard) s.26 N  
Open food containers are required to be covered (except during the cooling process).  
Provide sneeze guards to protect food from potential contamination.  
Codes identifying manufacturers or processors and expiry dates must be displayed.  
Ensure that insect and vermin-proof food containers are provided.  
All foods offered for sale and/or on display are required to be wrapped, covered, or otherwise protected from potential contamination.  
Foods are to be stored on racks, shelves or pallets at least 15 cm off the floor.  
All portioned food should be identified and labelled.
- 14 Chemicals / pesticides to be stored separately from food s.63 N  
Chemicals/pesticides are to be stored in a separate location away from foods and food preparation areas.

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**Test Food**

**Facility Contact:**

**Community:** Niagara Falls

**Report Date:** February 8, 2011

**Compliance Category**

**Compliance**

**Sanitation, Design and Maintenance**

**Equipment and Utensils / Utensils**

- 15 Proper storage of clean utensils s.81 N
- Single-service utensils are to be properly stored and dispensed.  
Utensils are to be stored handle-side up.  
Do not store utensils in sanitizer.  
Utensils are not to be stored between counter units/equipment.

**Equipment and Utensils / Equipment**

- 16 Thermometers used to verify food preparation and storage temperatures s.21 N  
Provide an accurate indicating thermometer for each cold holding unit.
- 17 Food contact surfaces properly designed, constructed, installed, located (smooth, non-absorbent, cleanable, corrosion resistant and non-toxic) s.19;29;59 N  
Ensure that cardboard boxes are not re-used for food storage (because they cannot be cleaned and sanitized).  
Food contact surfaces must be made of a readily cleanable and non-absorbent material.  
Ensure that all cracked or chipped cups, glasses, dishes or utensils are discarded immediately
- 18 Non-food contact surfaces and equipment properly designed, constructed, installed, maintained (accessible for cleaning) s.18 N  
All surfaces must be made of a readily cleanable and non-absorbent material.

**Foodhandler Hygiene and Activities / Hygiene**

- 19 Clean outer garments s.65(1)(b)(c) N  
Food handlers must wear clean outer garments (apron or smock).
- 20 Hair suitably confined s.65(1)(d) N  
All food handlers must have hair confined (hat or hairnet).
- 21 Prohibited use of tobacco / smoking s.65(1)(a) N  
Smoking is prohibited in the food preparation/storage area.

**Equipment and Utensils Sanitation / Mechanical Dishwashing**

- 22 Mechanical dishwashing properly constructed, designed, and maintained s.77 N  
Dishwasher wash water is to be maintained at a temperature between 60°C to 71°C.  
Ensure that dishwasher wash-rinse water is clean.  
Ensure that the dishwasher has an accurate indicating thermometer (temperature gauge) for verification of wash cycle and sanitize cycle temperatures.  
If a "high-temperature" dishwasher is present, the rinse cycle must reach a sanitizing temperature of 82°C or higher for at least 10 seconds.  
If a "low-temperature" dishwasher is present, the chemical sanitizing agent must be maintained at the required concentrations (either chlorine at 100 ppm, quaternary ammonium compounds at 200 ppm, or iodine at 25 ppm).

**Equipment and Utensils Sanitation / Manual Dishwashing**

- 23 Manual dishwashing: Wash-rinse sanitize technique s.72(1)(b);74;75(1);82 N  
A sanitizer must be provided to ensure disinfection (either hot water at 77°C, or chlorine at 100 ppm, quaternary ammonium compounds at 200 ppm, or iodine at 25 ppm).  
Two compartment method of utensil wash: compartment one for washing and rinsing, compartment two for sanitizing.  
Three compartment method of utensil wash: compartment one for washing, compartment two for rinsing and compartment three for sanitizing.

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**Test Food****Facility Contact:****Community:** Niagara Falls**Report Date:** February 8, 2011**Compliance Category****Compliance**

Allow dishes to air dry(or do not use cloth towels to dry dishes)

**Equipment and Utensils Sanitation / Dishwashing**

- 24 Proper sanitizer test kit readily available for verifying concentrations of chemical sanitizers s.75(2) N
- For mechanical dishwashing and manual (sink) dishwashing purposes, sanitizer concentrations are to be maintained at 100 ppm chlorine, 200 ppm quaternary ammonium compounds, or 25 ppm iodine.
- For cleaning utensils in place, sanitizer concentrations are to be maintained at 200 ppm chlorine, 400 ppm quaternary ammonium compounds, or 50 ppm iodine.

**Equipment and Utensils Sanitation / Sanitation**

- 25 Food contact surfaces washed-rinsed-sanitized after each use and following any operations when contamination may have occurred s.59 N
- Clean and sanitize surfaces and utensils between preparing raw and ready-to-eat foods.
- 26 Wiping cloths handled properly (sanitizing solution used) s.62 N
- Provide sanitizer for use with wiping cloths - for example, mix 5mL of bleach to 1L of water. (approximately 1 teaspoon per 4 cups of water)
- Ensure that sanitizer concentration is tested regularly with the appropriate test kit.
- Ensure that sanitizer is discarded and refreshed as often as necessary to maintain its concentration.
- Ensure that spray bottles of bleach and water are discarded and refreshed at least once each day.

**Sanitary Facilities and Controls / Hand Wash Basin**

- 27 Separate hand washing basin in each preparation area with the required supplies s.20(1)(c)(2) N
- Provide a hand wash basin in each food preparation area.
- Provide single service/paper towels and soap in a dispenser at hand wash basins.
- Hand wash sink is to be used for hand washing only.

**Sanitary Facilities and Controls / Sanitary Facility**

- 28 Sanitary maintenance of and provision of required supplies in staff / public washroom facilities s.68 N
- Provide soap in a dispenser for washrooms.
- Provide single service/paper towels or hot air dryer for washrooms.
- Washrooms are to be kept clean, sanitary, and in good repair.
- Provide an easy to clean garbage receptacle.
- 29 Approved municipal / private sewage disposal provided where required s.68 N

**Garbage and Waste Management / Waste Management**

- 30 Frequency of garbage removal adequate to maintain the premises in a sanitary condition s.20(1)(e);57 N
- Ensure that insect and vermin-proof containers are provided where required.
- Ensure frequency of garbage removal adequate to maintain the premises in a sanitary condition.
- 31 Liquid wastes handled and collected in sanitary manner s.57(3) N
- Ensure liquid waste is handled and collected in a sanitary manner.

**Pest Control / Vector**

- 32 Adequate protection against the entrance of insects, vermin, rodents, dust and fumes s.11(a) N
- Doors and windows are to be kept closed or properly screened.
- Ensure that fly strips are not installed over food preparation areas.
- Repair or replace weatherstripping so as to prevent the entrance of insects or vermin.
- A Pest Control Program is to be implemented.

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**Test Food****Facility Contact:****Community:** Niagara Falls**Report Date:** February 8, 2011**Compliance Category****Compliance****Sanitary Maintenance and Construction / Maintenance**

- |    |   |   |
|----|---|---|
| 33 | Floor, walls, and ceiling in good repair s.11(d)(e)<br>Repair or replace missing and/or damaged flooring.<br>Repair or replace missing and/or damaged ceiling tiles.<br>Repair or replace damaged wall(s).<br>Walls, floors and ceilings are to be cleaned and maintained in a sanitary manner.               | N |
| 34 | Mechanical ventilation operable where required s.15<br>Repair ventilation in public mens washroom.<br>Repair ventilation in public womens washroom.<br>Repair ventilation in staff mens washroom.<br>Repair ventilation in staff womens washroom.   | N |
| 35 | Lighting adequate for food preparation and cleaning s.13<br>Ensure that sleeves/covers are provided for exposed light bulbs.<br>Provide adequate lighting in the food preparation and storage area(s).<br>Repair lighting in kitchen.   | N |
| 36 | General housekeeping satisfactory s.59<br>A cleaning schedule should be integrated.<br>Premise is to be maintained in a clean and sanitary condition.<br>Remove all materials not associated with the daily operation of food premises.<br>Remove cardboard from shelving.<br>Remove cardboard from flooring. | N |

**Sanitary Maintenance and Construction / Live Animals**

- |    |   |   |
|----|---|---|
| 37 | Exclusion of live animals on the premises, subject to exemptions s.59(e)(ii);60 | N |
|----|---|---|

**Other / Miscellaneous Items**

- |    |  |   |
|----|--|---|
| 38 | Institutional food sampling<br>Maintain a five day supply of food samples.   | N |
| 39 | Food source<br>Ensure that all food is acquired from inspected sources.<br>Grade "C" or un-graded eggs are not to be used. | N |

**Amendments/Addendums**

- 2011-02-08                      Richard Donnelly  
There has been a risk weight change for this facility category style. The old risk weight value for this facility category style was : 6. The new risk weight value for this facility category style is now : 0. The old risk weight calculation was : 6. The new risk weight calculation is now :0. The old weighted hazard calculation was : 6. The new weighted hazard calculation is now : 0. The user opted to keep the original values in this inspection intact and add this amendment.
- 2011-02-09                      Richard Donnelly  
There has been a risk weight change for this facility category style. The old risk weight value for this facility category style was : 0. The new risk weight value for this facility category style is now : 25. The old risk weight calculation was : 0. The new risk weight calculation is now :25. The old weighted hazard calculation was : 0. The new weighted hazard calculation is now : 25. The user opted to change the original values in this inspection and add this amendment.
- 2011-02-09                      Richard Donnelly  
There has been a risk weight change for this facility category style. The old risk weight value for this facility category style was : 0. The new risk weight value for this facility category style is now : 50. The old risk weight calculation was : 25. The new risk weight calculation is now :75. The old weighted hazard calculation was : 25. The new weighted hazard calculation

C = In Compliance, X = Not in Compliance, N = Not Observed, T = Corrected at Time of Inspection

**Test Food**

**Facility Contact:**

**Community:** Niagara Falls

**Report Date:** February 8, 2011

**Amendments/Addendums**

is now : 75. The user opted to change the original values in this inspection and add this amendment.

I have read and understood this report

Inspector

Richard Donnelly,

C = In Compliance, X = Not in Compliance, N = Not Observed, T = Corrected at Time of Inspection

## APPENDIX C

### H.A.C.C.P. (Hazard Analysis Critical Control Point)

HACCP is a food safety system which allows you to:

1. Look at the foods and practices in your establishment which could cause foodborne illness. (Hazard Analysis)
2. Develop food safety procedures which will reduce the risk of FBI. (Critical Control Points)
3. Develop monitoring procedures.

#### Hazards

- Pathogens and/or toxins that can grow or survive in food.
- Chemicals or Physical objects in food.

#### Analysis

Analysis is the process of examining the flow of food to identify the points that may cause food borne illness.

#### Critical Control Point

A step in the preparation of a food where any unsafe situation that may lead to food borne illness is eliminated, prevented or controlled.

- For example, a burger must be cooked to a minimum internal temperature of 71°C (160°F) to destroy pathogens, such as E.coli 0157:H7, that may cause serious illness. The CCP in this example is cooking – ensuring that the burger is cooked to the minimum safe internal temperature.

## **6 Steps to a HACCP System**

### **1. Review recipes and assess their risk.**

- Review recipes listing each step and its level of hazard, paying special attention to food with high risk ingredients
- Breakdown recipes into the seven steps of food flow.
- Use a flow chart diagram to show each step, the equipment used, the personnel involved, the location of the process and other processes in the same area.

### **2. Identify Critical Control Points (CCP)**

- On the flow chart, record the expected time, temperature and amount of handling involved in each step according to the recipe
- Break down each step and look for the possibility of contamination and growth of micro-organisms.

### **3. Make a plan to use preventive and control measures**

- Good personal hygiene
- Avoid cross contamination
- Follow time and temperature requirements
- Plan how the recipe can be changed in case monitoring reveals problems
- Provide education to all employees so the process can be done properly by anyone

### **4. Monitor and Record CCP's**

- Watch food preparation and ensure the actual time, temperature and amount of handling at all the steps and record this information on the flow chart.
- All steps must be monitored to make sure the planned control and preventative measures work.

### **5. Take immediate action to correct any problems**

- Action must be taken when monitoring shows that there are unsafe food handling practices

## **6. Keep a Log of Recipes**

- This log will contain the recipe, its flow chart, time, temperature and amount of handling at each step
- Review the procedures often and record the proper preparation steps and handling concerns



# Mandatory Food Handler Certification Bylaw

Niagara Region Public Health

2201 St. David's Rd., Campbell East

Thorold, Ontario

L2V 0A2

905-688-8248 ext. 7230, 1-888-505-6074

[www.niagararegion.ca](http://www.niagararegion.ca)

## PUBLIC HEALTH

**DR. ROBIN WILLIAMS**  
Medical Officer of Health

☒ **Main Office**

2201 St. David's Rd.  
Campbell East  
Thorold, ON  
Phone: 905-688-3762  
1-800-263-7248  
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**Mailing Address:**

P.O. Box 1052, Station Main  
Thorold, ON L2V 0A2

**Branch Offices:**

☐ **Niagara Falls**

5710 Kitchener Street  
Niagara Falls, ON L2G 1C1  
Phone: 905-356-1538  
Fax: 905-356-7377  
☐ Sexual Health Centre  
Phone: 905-358-3636  
Fax: 905-358-2717

☐ **Welland**

200 Division Street  
Welland, ON L3B 4A2  
Phone: 905-735-5697  
Fax: 905-735-4895  
☐ Sexual Health Centre  
Phone: 905-734-1014  
Fax: 905-734-1770

☐ **Fort Erie**

43 Hagey Avenue  
Fort Erie, ON L2A 1W4  
Phone: 905-871-6513  
Fax: 905-871-3020  
☐ Sexual Health Centre  
Phone: (905) 871-5320  
Fax: (905) 871-3333

☐ **St. Catharines Sexual Health Centre**

277 Welland Avenue  
St. Catharines, ON L2R 2P7  
Phone: 905-688-3817  
1-800-263-5757  
Fax: 905-688-6063

☐ **Emergency Services Division**

509 Glendale Avenue East  
Niagara-on-the-Lake, ON L0S 1J0  
Phone: 905-641-2218  
Fax: 905-688-5079

☐ **Community Mental Health**

3550 Schmon Parkway  
Unit 2, Second Floor  
PO Box 1042  
Thorold, ON L2V 4T7  
Phone: 905-688-2854  
Fax: 905-684-9798

An Accredited  
Public Health Department  
[www.niagararegion.ca](http://www.niagararegion.ca)

November 1, 2010

Dear Food Establishment Operator:

This correspondence is to advise you of amendments passed by Niagara Region Council in July 2010, regarding the Mandatory Food Handler Certification Bylaw #78. This bylaw makes food safety training necessary for multiple individuals within your establishment.

Individuals who have received training in safe food handling are able to identify potential hazards, an essential first step in the reduction or elimination of risk. Research has shown that food handler training and certification improves food safety and regulatory compliance. Unsafe handling and/or preparation of food can lead to illness and even death. It is estimated that every year 2.2 million cases of foodborne illness occur in Canada.

In order for you and your food premises to be in compliance with this bylaw, you will need to ensure that you have at least:

1. A minimum of one owner/operator with a current and valid Food Handler Certificate.
2. A minimum of one food handler at all times while in operation with a current and valid Food Handler Certificate.
3. A demonstration of the current and valid Food Handler Certificate with a photo identification card for each certificate.

The bylaw will come into effect over the course of the next couple of years in accordance with the following schedule:

- Compliance for **high-risk establishments by January 1, 2013.**
- Compliance for **medium-risk establishments by January 1, 2014.**

Attached you will find a number of documents that will help you to understand the requirements of the bylaw. These are:

- Frequently asked questions
- Schedule for Food Handler Certification courses and exams offered by Niagara Region
- Mandatory Food Handler Certification Bylaw #78

Niagara Region Public Health (NRPH) has always had a good working relationship with the vast majority of food service operators in the region. The food operators and NRPH strive for a common goal which is the safe preparation of food for the patrons of the local food industry.

If you have any additional questions or comments related to the bylaw, please speak with your Public Health Inspector or contact the following members of my staff:

*Andre Laflamme, Manager Environmental Health*

905-688-8248 ext. 7272, [andre.laflamme@niagararegion.ca](mailto:andre.laflamme@niagararegion.ca)

*Dave Carey, Manager Environmental Health*

905-688-8248 ext. 7417, [david.carey@niagararegion.ca](mailto:david.carey@niagararegion.ca)

In closing, I would like to thank you for your ongoing commitment to serving safe food to the residents and visitors of Niagara Region.

Regards,



Bjorn Christensen, MEd, BAA, C.P.H.I.(C)  
Director, Environmental Health  
For: Robin Williams, MD, DPH, FRCP(C)  
Medical Officer of Health

Attachments



# Bylaw 78 – Respecting Mandatory Food Handler Certification

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO.

A BY-LAW RESPECTING  
MANDATORY FOOD HANDLER CERTIFICATION

WHEREAS pursuant to section 474.21 of the *Municipal Act, 2001*, The Regional Municipality of Niagara has the powers, rights and duties of a board of health under the *Health Protection and Promotion Act*;

AND WHEREAS the Council for The Regional Municipality of Niagara acting on its own behalf and as the Board of Health wishes to implement mandatory certification of food handlers in the Regional Municipality of Niagara;

AND WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001* authorize The Regional Municipality of Niagara to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5 through 8 of subsection 11(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and, the protection of persons and property, including consumer protection;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes The Regional Municipality of Niagara to pass by-laws providing that a person who contravenes a by-law of The Regional Municipality of Niagara passed under that Act is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001* further authorizes The Regional Municipality of Niagara, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

NOW THEREFORE the Council of The Regional Municipality of Niagara ("the Region") enacts as follows:

#### Definitions

1. In this by-law (the "By-law"):

- (a) "Accredited Program" means:
  - (1) the Region's Food Handler Certification Program; or
  - (2) a Food Handler Training and Certification Program that has been accredited by the Medical Officer of Health;
- (b) "Certified Food Handler" means a Food Handler who holds a valid Food Handler Certificate;
- (c) "Council" means the Council of The Regional Municipality of Niagara;
- (d) "Food" means food or drink for human consumption and includes an ingredient of food or drink for human consumption;
- (e) "Food Handler" means any Person who works at a Food Premises handling or coming in contact with Food during its processing, preparation, storage, handling, display, distribution, transportation, sale, service, or offering for sale;
- (f) "Food Handler Certificate" means a certificate issued to a Person:
  - (1) by the provider of an Accredited Program certifying that the Person has successfully completed that Accredited Program; or
  - (2) who successfully challenges an appropriate examination administered or approved by the Medical Officer of Health;
- (g) "Commercial Food Premises" means a Premises where Food is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, and includes restaurants, banquet halls, long-term care facilities, licensed day nurseries, hospitals, grocery stores, and street vendors selling hazardous foods;
- (h) "Hazardous Food" means any Food that is capable of supporting the growth of pathogenic organisms or the production of the toxins of such organisms;

- (i) "High-Risk Food Premises" means a Food Premises:
  - (1) where Hazardous Food is prepared; or
  - (2) where, in the Medical Officer of Health's assessment, there exists a high likelihood of an occurrence of Food borne illness (having reference to the risk factors outlined in the Risk Categorization Questionnaire, as defined below); or
  - (3) that has been implicated or confirmed as a source of Food borne illness;
- (j) "Medical Officer of Health" means the Region's Medical Officer of Health or his or her designate;
- (k) "Medium-Risk Food Premises" means a Food Premises which, in the Medical Officer of Health's assessment, represents a moderate likelihood of occurrence of a Food borne illness outbreak, having reference to the risk factors outlined in the Risk Categorization Questionnaire, as defined below;
- (l) "Officer":
  - (1) means a Public Health Inspector or any other Person assigned or appointed by the Medical Officer of Health to administer or enforce this By-law and includes a Person employed by the Region whose duties are to enforce this By-law; and
  - (2) includes, for the purposes of exercising any power of entry under this By-law, a police officer;
- (m) "Operator" means a Person who has responsibility for or control over an activity carried on at a Food Premises and there may be more than one Operator of the same Food Premises;
- (n) "Person" includes a natural person, an association, a corporation, a body politic or a partnership whether acting by themselves or through, with or by a servant, agent, representative or employee and further includes the heirs, executors, administrators, successors and assigns or other legal representative of such Person;
- (o) "Premises" means lands and structures, or either of them, and includes water; ships and vessels; trailers and portable structures designed or used for residence, business or shelter; trains, railway cars, vehicles and aircraft;

- (p) "Region" means the municipality of The Regional Municipality of Niagara or the geographic area of the Regional Municipality of Niagara, as the context requires;
- (q) "Region's Food Handler Certification Program" means a Food Handler Certification Program approved by the Medical Officer of Health that is provided by, or on behalf of, the Region; and
- (r) "Risk Categorization Questionnaire" is that referred to in the Risk Categorization Model for Food Retail /Food Service Establishments – 2nd Edition (Revised May 4, 2007) by the Federal Provincial Territorial Committee on Food Safety Policy as amended or revised from time to time.

#### Interpretation

- 2. The headings and subheadings used in this By-law are not for interpretive purposes but are inserted solely for convenience of reference.
- 3. The requirements of this By-law are in addition to any requirements contained in any other applicable by-laws, statutes or regulations.
- 4. Unless the context otherwise requires, words imparting the singular number shall include the plural and vice versa. Further, words imparting the masculine gender shall include the feminine and vice versa where the context requires.

#### Operator and Food Handler Duties

- 5. Effective January 1, 2013, every Operator of a Commercial Food Premises that is a High-Risk Food Premises shall ensure that:
  - (a) the Commercial Food Premises shall have a minimum of one Operator and one Food Handler who each have a current and valid Food Handler Certificate;
  - (b) at least one Certified Food Handler shall be present at the Food Premises to supervise the processing, preparation, storage, handling, display, distribution, transportation, sale, service, or offering for sale, of Food at all times during operation; and

- (c) on request by the Medical Officer of Health or an Officer, it shall produce or caused to be produced for inspection the Food Handler Certificate for each Certified Food Handler and each Operator along with a photo identification card for each.
- 6. Effective January 1, 2014, every Operator of a Commercial Food Premises that is a Medium-Risk Food Premises shall ensure that:
  - (a) the Food Premises shall have a minimum of one Operator and one Food Handler who each have a current and valid Food Handler Certificate;
  - (b) at least one Certified Food Handler shall be present at the Food Premises to supervise the processing, preparation, storage, handling, display, distribution, transportation, sale, service, or offering for sale, of Food at all times during operation; and
  - (c) on request by the Medical Officer of Health or an Officer, it shall produce or caused to be produced for inspection the Food Handler Certificate for each Certified Food Handler and each Operator, along with a photo identification card for each.
- 7. On request by the Medical Officer of Health or an Officer, every Certified Food Handler shall produce for inspection his or her Food Handler Certificate, along with a photo identification card.

#### Food Handler Training and Certification

- 8. The Medical Officer of Health may accredit any Food Handler Training and Certification Program if he or she is satisfied that the program is equivalent to the Region's Food Handler Certification Program.
- 9. Every provider of a Food Handler Training and Certification Program seeking accreditation under this By-law shall apply in writing to the Medical Officer of Health with the appropriate application fee and provide such information as the Medical Officer of Health considers necessary to evaluate the program.
- 10. Every provider of an Accredited Program shall, on request, provide the Medical Officer of Health with such information as the Medical Officer of Health considers necessary to:
  - (a) evaluate, monitor and audit the program, including, but not limited to, the lessons, materials, texts, examinations and qualifications of the instructors used in the program; and

- (b) determine the validity of individual Food Handler Certificates issued by the provider including, but not limited to, the attendance records, course submissions, examination results and true copies of the certificates issued.
- 11. The Medical Officer of Health may terminate the accreditation of any Accredited Program and the certification of an individual Certified Food Handler if he or she is satisfied that the program has ceased to be equivalent to the Region's Food Handler Certification Program or that the program provider has failed to comply with any provision of this By-law.
- 12. Unless terminated beforehand by the Medical Officer of Health, the accreditation of an Accredited Program is valid for five years from the date of accreditation.
- 13. A provider of an Accredited Program may issue a Food Handler Certificate to a Person if that Person has successfully completed an Accredited Program.
- 14. Unless terminated beforehand by the Medical Officer of Health, a Food Handler Certificate is valid for five years from the date of issue.

#### Inspections and Orders

- 15. Pursuant to the *Municipal Act, 2001*, the *Health Promotion and Protection Act* and the regulations thereto, an Officer may enter a Food Premises at any reasonable time for the purpose of carrying out an inspection to determine whether the following are being complied with:
  - (a) this By-law; and
  - (b) any direction, requirement or order made or given under this By-law, the *Municipal Act, 2001* the *Health Protection and Promotion Act*, or the regulations thereto.
- 16. In addition to any powers or authorities granted under the *Municipal Act, 2001*, the *Health Protection and Promotion Act*, or the regulations thereto, an Officer may take all reasonable steps to effect an inspection including the following:
  - (a) requiring the production of any documents or things relevant to the inspection;
  - (b) reviewing, inspecting, copying, removing or seizing documents or things relevant to the inspection;
  - (c) requiring information from any Person concerning a matter related to the inspection; or



- (d) alone or in conjunction with a Person possessing special or expert knowledge, making examinations or taking tests, samples, or photographs necessary for the purposes of the inspection.
17. In addition to any powers or authorities granted under the *Municipal Act, 2001*, the *Health Protection and Promotion Act*, or the regulations thereto, if an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the Person who contravened the By-law, or who caused or permitted the contravention, or the Operator, owner or occupier of the Premises on which the contravention occurred, to, among other things:
- (a) discontinue the contravening activity;
  - (b) vacate the Premises;
  - (c) close the Premises or a specific part of the Premises;
  - (d) placard the Premises to give notice of an order requiring the closing of the Premises;
  - (e) perform the work specified in the order in, on or about Premises specified in the order;
  - (f) cease, or continue only on conditions imposed by the Officer, the manufacturing, processing, preparation, storage, handling, display, transportation, sale, offering for sale or distribution of any Food or thing; or
  - (g) cease, or continue only on conditions imposed by the Officer, the use of any Premises or thing.
18. An order under section 17 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the Premises on which the contravention occurred; and
  - (b) the work to be done; and
  - (c) the date or dates by which the work must be done.
19. Any order made under this By-law may be given verbally, served personally or by registered mail to the last known address of such Persons affected by it as the Officer making the order determines. Service by registered mail shall be deemed to have taken place five (5) business days after the date of mailing.

20. Where it is not reasonable to effect service of an order as outlined in section 19, sufficient service is deemed to have taken place when the Officer places a placard containing the order in a conspicuous place on the property which is the subject of the order.

#### Administration and Enforcement

21. Council hereby delegates to the Medical Officer of Health all authorities necessary to implement, administer, execute and enforce all provisions of this By-law including the imposition of conditions as necessary to ensure compliance with this By-law.
22. Fees or charges for services and activities provided under this By-law shall be set and approved by Council from time to time.
22. Unpaid fees or charges set and approved under this By-law constitute a debt to the Region and may be added to tax roll and collected in the same manner as municipal taxes.
23. Council hereby appoints all employees of the Region as Officers for the purposes of this By-law. The Medical Officer of Health may assign or appoint additional Officers as required. All Officers have the authority to enforce this By-law including the authority to carry out inspections, make orders to discontinue contravening activities or to do work to correct contraventions, give immediate effect to any order and otherwise enforce this By-law, and the Medical Officer of Health may assign duties or delegate tasks under this By-law whether in his or her absence or otherwise.
24. This By-law may be cited as "Niagara Region's Mandatory Food Handler Certification By-law".
25. If any provision of this By-law is declared invalid by an adjudicator of competent jurisdiction, that provision shall be severed from this By-law and the remainder of this By-law shall continue to be in force and effect.

#### Penalties

26. Every Person who fails to comply with this By-law or an order made under this By-law is, upon conviction, guilty of an offence and is liable to pay a fine of not more than \$5,000 for each and every offence, exclusive of costs.



#### Alternative Set Fine Procedure

27. In the discretion of the Region, charges may be laid for offences committed in contravention of this By-law using the certificate of offence set fine procedure set out under Part I of the *Provincial Offences Act*, R.S.O. 1990, CH. P.33, or any successor legislation, for the offences enumerated in short form in Schedule "A" of this By-law.
28. Schedule "A" offences shall not be utilized until the amounts of the fines in Schedule "A" have been set by the Chief Judge of the Ontario Court (Provincial Division).

#### Enactment

29. This By-law comes into force and effect on January 1, 2011.

THE REGIONAL MUNICIPALITY OF NIAGARA

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(Peter Partington, Regional Chair)

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(Kevin Bain, Regional Clerk)

Passed: July 15, 2010

# Schedule 'A' – Short Form Offences and Set Fines

## Schedule "A"

### THE REGIONAL MUNICIPALITY OF NIAGARA

#### Part I *Provincial Offences Act*

#### Short Form Offences and Set Fines

Item	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1.	Operator fails to ensure a minimum of one Operator per High-Risk Premises is a holder of a valid Food Handler's Certificate.	s. 5(a)	\$250
2.	Operator fails to ensure a minimum of one Food Handler who is a holder of a valid Food Handler's Certificate is present at High-Risk Premises during operation.	s. 5(b)	\$250
3.	Operator fails to produce a valid Food Handler's Certificate and photo identification card for High-Risk Premises.	s. 5(c)	\$100
4.	Operator fails to ensure a minimum of one Operator per Medium-Risk Premises is a holder of a valid Food Handler's Certificate.	s. 6(a)	\$250
5.	Operator fails to ensure a minimum of one Food Handler who is a holder of a valid Food Handler's Certificate is present at Medium-Risk Premises during operation.	s. 6(b)	\$250
6.	Operator fails to produce a valid Food Handler's Certificate and photo identification card for Medium-Risk Premises.	s. 6(c)	\$100
7.	Food Handler fails to produce a valid Food Handler's Certificate and photo identification card .	s. 7	\$100

- Note: The general penalty provision for the offences listed above is section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

# Food Handler Certification Course Information

## Food Handler Certification Program

The Food Handler Certification Program is designed to teach food handlers the general principles of safe food handling. This course will provide food handlers with the basic knowledge to identify risk factors associated with foodborne illness and the skills necessary to handle food in a manner that will prevent illness from occurring. Certification can be acquired via the following methods:

- Full nine hour, in class *Food Handler Certification Course* taught by a Public Health Inspector
- Online course found at [www.ingoodhands.ca](http://www.ingoodhands.ca) plus exam administered by a Public Health Inspector
- Niagara Region Food Handler Certification Manual, to be available as a PDF online plus exam administered by a Public Health Inspector
- Professional knowledge or individual studying plus exam administered by a Public Health Inspector
- Course taken by a private institution that is accredited with being an equivalent program by Niagara Region Public Health

The by-law makes it mandatory for high and medium risk food premises to have valid and current Food Handler Certificate for an operator and a food handler at all times while open. High risk premises require compliance by 2013, medium risk premises require compliance by 2014.

## Course Outline

The nine hour course is taught in three sessions based on the principles of sanitary food service and Hazard Analysis Critical Control Point procedures. All participants are required to achieve a mark of 70% or above to pass the exam and become certified.

- Public Health Legislation and the Local Health Department
- Understanding Foodborne Illness (Food Poisoning)
- Safe Food Handling
- The Importance of Personal Hygiene
- Food Premises Sanitation

Upon successful completion:

- A Safe Food Handling Certificate will be issued. This certificate meets the Ontario Ministry of Health and Long-Term Care food safety training requirements and is recognized by health units throughout Ontario.
- The Food Handler Certificate is valid for **5 years**, after that point the certificate expires and recertification is necessary.

**For registration and dates contact:**

Environmental Health, Program Assistant, 905-688-8248, ext. 7230, 1-888-505-6074

**For course information contact:**

Environmental Health, Public Health Inspector, 905-688-8248, ext. 7263, 1-888-505-6074

**Cost**

**\$35.00 per person (includes manual and certificate). Payment is required prior to the course date. To reserve your spot in the course you may pay by cash, debit, credit card or cheque.**

**Cancellation / Rescheduling Policy**

**Full refunds are only given when notice is given 48 hours prior to the first session**

**Food Handler Certification, Exam Only**

When choosing to take the on-line course or review of the paper manual, an exam option is available. NOTE: Prior registration for exams is required.

# Frequently Asked Questions for the Mandatory Food Handler Certification By-law

## What is the Mandatory Food Handler Certification By-law?

In July 2010, the by-law was passed by Niagara Regional Council which makes it mandatory for high and medium risk food premises to have valid and current Food Handler Certificates.

### High Risk Food Establishment:

A premise which prepares hazardous foods and must meet at least one of the following criteria:

- Use processes involving many preparation steps and foods frequently implicated as the cause of foodborne illness (e.g. full menu restaurants, large banquet facilities, and large catering operations).
- Preparation of foods that involve multiple preparation steps (e.g. defrosting, cooking, cooling, storing, reheating, preparing, hot holding, slicing, de-boning, mixing, and serving).
- Effective Hazard Analysis Critical Control Point (HACCP) program not in place.
- Establishments associated in the past with foodborne illness.
- Institutions serving a vulnerable population (long term care facility, daycare).

These types of establishments must be inspected at a minimum of three times per year.

### Medium Risk Food Establishment:

A premise which must meet one of the following criteria:

- Prepare hazardous foods that do not meet the criteria outlined in the High Risk category above, or
- Prepare non-hazardous foods with extensive handling and/or high volume of patrons (e.g. bakeries).

These types of establishments must be inspected at a minimum of two times per year.

### What do I need to do?

- Minimum of one operator with a current and valid Food Handler Certificate.
- Minimum of one food handler *at all times* while in operation with a current and valid Food Handler Certificate.
- Demonstration of the current and valid food handler certificate with a photo identification card for each certificate.

### How to become a certified food handler?

- Full 9 hour, in class *Food Handler Certification Course* taught by a Public Health Inspector
- Online course found at [www.ingoodhands.ca](http://www.ingoodhands.ca) plus exam administered by a Public Health Inspector
- Niagara Region Food Handler Certification Manual, to be available as a PDF online plus exam administered by a Public Health Inspector (manual to be available by January 2011)
- Professional knowledge or individual studying plus exam administered by a Public Health Inspector
- Course taken by a private institution that is accredited with being an equivalent program by Niagara Region Public Health

### What mark do you need to pass the Niagara Region exam?

All participants are required to achieve a mark of 70% or above to pass the exam and become certified.

**How long is the certification valid?**

The Food Handler Certificate is valid for **5 years**, after that point the certificate expires and recertification is necessary.

**When will the certificates be required?**

- Compliance is required for high-risk establishments by January 1, 2013.
- Compliance is required for medium-risk establishments by January 1, 2014.

**What are accredited programs?**

Programs that have been reviewed by Niagara Region Public Health and approved to provide at least the same basic food safety information provided by the Niagara Region Food Handler Certification Course. These currently include:

- ***Any Food Safety Training Certificate issued by an Ontario Board of Health***
- ***Any Food Safety Training Certificate that the Medical Officer of Health or Ministry of Health considers an equivalent***
- Canadian Council of Grocery Distributors – Food Wise
- Canadian Food Safety Training – Food Handler Certification Program
- Canadian Restaurant and Foodservices Association – National Food Safety Training Program (NFSTP)
- FoodPrep.ca – Food Handler Training
- FOODSAFE – Level 1, Level 2
- National Restaurant Association - ServSafe
- Ontario Chinese Restaurant and Food Services Association – Food Handler Training and Certification
- Traincan Inc. – Basics, Advanced
- Starbucks Canada Food Safety Training Program

(For updated information call 905-688-8248 ext. 7230, 1-888-505-6074)

**How can I get my program accredited?**

All information for the program including: manual, presentation, exam and operational information need to be provided for evaluation to Niagara Region Public Health. For additional accreditation information please inquire by calling 905-688-8248 ext. 7230, 1-888-505-6074.

**How much does the course or exam cost?**

The full nine hour course cost is \$35.00 and payment is required for registration.

The paper manual cost is \$20.00, and a PDF of the manual is available online as a PDF document for free.

The exam only cost is \$10.00.

**Can I get the course taught at my location?**

Yes, there is a minimum of 20 participants required for the full course to have the class at your location.

**Are there additional languages offered?**

English is the only current language being taught for the full course. The exam is available in French and Chinese, please specify the language required for your exam at the time of registration. There are full courses taught by other health units in other languages. For additional information please call 905-688-8248 ext. 7230, 1-888-505-6074.



For more information please call Niagara Region Public Health at  
905-688-8248 or 1-888-505-6074 ext. 7230

Niagara Region Public Health  
2201 St. David's Road, Campbell East  
Thorold, ON  
L2V 0A2

2012